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Forward

The policy manual is the property of the Yorktown Police Department and will be returned when members terminate their employment.

Members shall not show the manual to anyone other than department personnel, unless I otherwise direct. This manual cannot cover every aspect of police work or provide guidance in handling every possible situation. Police Officers will have to use experience, training, and good judgment to decide the best and safest way of handling any problem.

I expect members of the Department to observe and follow the rules and policies set forth in this manual. I will review each violation, if necessary, and determine any disciplinary action. Although much police work is left to officer discretion, if any employee departs from the provisions herein, they must demonstrate that their action was necessary.

Each member of the Department will be issued a copy of this manual, which will also be referred to as the Yorktown Police Departments Policies, Rules, Regulations and Standard Operating Procedures Manual. Members will keep it in good condition and make deletions or additions as ordered.

Whenever members doubt the meaning or intent of context of this manual they shall seek an interpretation or explanation from me.

All previously issued rules, regulations, and procedures inconsistent or in conflict with this manual are hereby revoked.

The revisions and construction of this manual was accomplished through hours of research and preparation. I believe it will help you to understand what I expect of your performance as a Police Officer.

Richard T. St.John
Chief of Police
Yorktown Police Department

Date

INTRODUCTION: THE ADVANTAGE OF THE MANUAL

A complete, well-written, up-to-date policy and procedures manual is an extremely important component of a modern law enforcement agency. Such a manual provides you, the law enforcement executive, with a number of advantages.

One advantage which the manual can provide is in the area of civil liability. A carefully written manual can help protect you from civil actions for vicarious liability. Specifically, the manual can demonstrate that you have shown due regard in directing the actions of your personnel.

The most important advantage to having a complete, well-written manual is that it provides a means by which you can clearly establish the lines of authority and accountability in your department; set direction of your department; and maintain its status as an efficient, responsive agency.

The very task of planning and writing a manual encourages management personnel to address issues which are essential to building and maintaining a top-quality law enforcement agency.

In particular, formally establishing policies and regulations for inclusion in the manual reduces the tendency to write policies and procedures only in response to emergent crisis. Thus, the task of planning and writing a manual is a step in the direction of rational, goal-oriented management and away from management by crisis.

The policy and procedures manual is more than an aid to rational policy making. It is a communications tool. The written policies, procedures, and regulations contained in the manual describe the department's goals and objectives. It informs your personnel of their responsibilities and indicates what is expected of them. It outlines methods of accomplishing tasks and establishes general performance standards.

Successfully communicating your expectations to members of your department is an essential first step to establishing discipline and accountability. The manual accomplishes this in a comprehensive, efficient manner. A manual can reduce the need for disciplinary action merely by stating and clarifying regulations. It can also underline the fairness of disciplinary action by providing a grounds for initiating such action.

Finally, the manual serves as a central repository of all departmental rules and regulations. This can make it easier for management personnel to achieve consistency in command decisions. It also provides you with an overview of all policies and procedures within your department. This allows you to determine if existing policies and procedures are consistent with the direction you have set for your department. On the basis of your assessment, you can institute change as needed.

TITLE I

YORKTOWN POLICE DEPARTMENT POLICIES

ARTICLE I – GENERAL

Section 1. Rules of Construction

The provisions of this manual shall be construed according to the normal usage of the language. Unless otherwise required by context: the present tense includes the future and past tenses, and the plural number includes the singular, and singular includes the plural.

Section 2. Objective

An objective is a desired goal or target for which effort is expended, and which, if attained, fulfills the purpose of the Department. Within each objective, there may be a number of subordinate objectives, each of which, if attained, contributes to the accomplishment of the police mission.

Section 3. Policy

Policies are established by analyzing objectives and determining those principles which will best guide the Department in achieving its objectives. Thus, as policy consists of principles which guide the performance of a department activity. Policy is not a statement of what must be done in a particular situation; rather, it is a statement of guidelines which should be followed toward the attainment of Department objectives.

Policies are established to inform the public and Department employees of the principles, which will be adhered to in the performance of the law enforcement function. Additionally, policies establish operational standards to assist Department employees in discharging their responsibility.

An officer in the performance of his/her duty is confronted with a variety of complex situations which require police action. Since policies are objective rather than situation-oriented, they are broad in scope to encompass most situations.

Section 4. Procedures and Rules (or Regulations)

A procedure is a method of performing an operation or a manner or proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.

Section 5. General Orders

The Yorktown Police Department will issue General Orders to establish policies, procedures, regulations and rules for all members of the Yorktown Police Department;

- A. General Orders will only be issued for changes which are expected to be relatively permanent.
- B. General Orders will supplement the policies, procedures and rules contained in this manual.
- C. General Orders will have the same force and authority as the material contained in this manual.
- D. Any violation of General Orders will be considered a violation of the Department Manual.

Section 6. Special Orders

The Yorktown Police Department will issue Special Orders which affect activities on a temporary basis.

Special Orders will involve personnel changes, procedures for a situation which is not a permanent situation, personnel reassignments, etc.

Special Orders will be prepared and issued by the Town Marshal.

Section 7. Inter-Departmental Memo/Bulletin

The Yorktown Police Department will issue Inter-Departmental Memo./Email/Text Messages. They are informative communications, and will be issued to notify officers within the Department of general or specific information which will assist them in performing their police duties.

ARTICLE 2 – OBJECTIVES

Section 1. Primary Objective

The fundamental goal of the Police Department is the protection of life and property consistent with the values of a free society. In pursuance of this goal, the Yorktown Police Department is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of policing authority and the constitutional rights of all persons.

Section 2. Prevention of Crime

Peace and order in a free society can be achieved only through voluntary compliance with the law. Therefore, the primary responsibility for upholding the law rests not with the police, but rather, with the people. The fact that society employs full-time professional police to deal with crime does not diminish or deny each citizen's obligation for crime prevention.

Although the Department cannot hope to cure the underlying causes of crime, it can

and should interact with the community to generate mutual understanding and public support for crime prevention.

Section 3. Deterrence of Crime

While certain crimes cannot be deterred, other such crimes against property and against innocent victims in public places can be significantly reduced by police patrol. High police visibility tends to deter potential criminal activity because they fear immediate apprehension or perceive an increased likelihood of detection. In addition, patrol visibility tends to reinsure a peaceful environment.

The Department recognizes that there must be a balance between the desirable effects of visible patrol and any undesirable appearance of apprehension. In the end it is the people, not the Department who determine the limitations of their freedom.

Section 4. Apprehension of Offenders

Administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of a law violator and it has as its objective the voluntary compliance with the law as an alternative to punishment. Once a crime has been committed, it is the duty of the Department to initiate the criminal justice process by identifying and arresting the perpetrators to obtain necessary evidence, and to cooperate in the prosecution of the case, but not attempt to impose their personal feelings or biases as to the proper punishment of the accused.

As the certainty of swift and sure punishment serves as an effective deterrent to crime, the Department must diligently strive to solve all crimes and to bring the perpetrators to justice.

Section 5. Movement of Traffic

To facilitate the safe and expeditious movement of vehicular and pedestrian traffic, the Department must enforce traffic laws; investigate traffic accidents, and direct traffic. To enforce compliance with traffic laws and to develop driver awareness of the causes of traffic accidents, the Department appropriately warns, cites, or arrests traffic law violators. Traffic accidents are investigated to protect the rights of those involved.

Section 6. Public Service

The Department assists in routine and emergency situations, often, because there are no other public or private agencies available, the public relies upon the Department for assistance and advice in the many routine and emergency situations which develop in an urban society. For this reason and because there is frequently a potential for crime, the Department regularly responds to incidents where it is not contemplated that an arrest will be made.

Saving lives and aiding the injured, locating lost persons, keeping the peace, and providing for many other miscellaneous needs are basic services provided by the Department. To satisfy the requests of the public, the Department responds to calls for service and renders such aid or advice as is necessitated or indicated by the situation.

ARTICLE 3 – RESOURCES

Section 1. Department Personnel

Police officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is no opportunity to seek advice and little time for reflection. This requires an officer to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with human beings in many complicated situations which he/she encounters.

Section 2. Utilization of Resources

Law enforcement is one of the most expensive and complex services provided by the Town. The quality and extent of service provided is necessarily limited by available resources which are to a large extent dependant upon the revenue sources of the Town. To ensure that the highest level of service is obtained from the resources at its disposal, the Department must make use of the most efficient management and budgeting techniques available.

ARTICLE 4 – PERSONAL CONDUCT

Section 1. Standard of Conduct

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Yorktown Police Department.

Section 2. Law Enforcement Code of Ethics

“As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all men to liberty, equality and justice.

I maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department.

Whatever I see or hear of confidential nature or that is confined to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing

unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.”

Section 3. Loyalty

In the performance of his/her duty to serve society, an officer is often called upon to make difficult decisions. He/she must exercise discretion in situations where his/her rights and liabilities and those of the Department hinge upon his/her conduct and judgment. Occasionally these decisions involve a choice which may cause personal hardship or discomfort.

An officer must be faithful to his/her oath of office, to the principles of professional police service, the objectives of the Department, and in the discharge of his/her duty, he/she must not allow personal motives to govern his/her decisions and conduct.

Section 4. Conduct Unbecoming of an Officer

A police officer is perhaps the most conspicuous representative of government. To a majority of people he/she is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his/her actions are found to be excessive, unwarranted or unjustified, either on or off duty, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer may reflect directly upon the Department, an officer must at all times conduct him/herself in a manner which does not bring discredit to himself/herself, the Department or the Town.

Section 5. Respect for Constitutional Rights

No person has a constitutional right to violate the law. No person shall be deprived of his/her constitutional rights merely because he/she is suspect of having committed a crime. The task of determining the constitutionality of statute lies with the appropriate court, not with an officer who seeks to enforce the law as it exists. Therefore, an officer may enforce any federal or state statute, or local ordinance which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute.

An officer who lawfully acts within the scope of his/her authority does not deprive persons of their civil liberties. He/she may within the scope of his/her authority make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when an officer exceeds his/her authority by unreasonable conduct, he/she violates the sanctity of the law which he/she is sworn to uphold.

Section 6. Integrity

An officer must scrupulously avoid any conduct which might compromise the integrity of himself/herself, his/her fellow officers or the Department. The public demands that the integrity of its law enforcement officers be above reproach. The dishonesty of a

single officer may impair public confidence and cast suspicion upon the entire Department. Succumbing to even minor temptation can be the genesis of a malignancy which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others.

Section 7. Courtesy

Effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by Department employees. The practice of courtesy by an officer is an indication of self-control, and is consistent with the firmness and impartiality that characterizes a professional police officer.

The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. While the urgency of a situation might preclude ordinary social amenities, discourtesy under most circumstances is indefensible.

Section 8. Compliance With Lawful Orders

The Department is an organization with a clearly defined hierarchy of authority. The obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. The most desirable means of obtaining compliance are recognition and reward of proper performance and the positive encouragement of a willingness to serve. However, negative discipline may be necessary where there is a willful disregard of lawful orders, commands or directives.

Section 9. Attention to Duty

Since most police work is performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officer. An officer has the responsibility for the safety of the community, fellow officers, and carries out the responsibility through the professional performance of his/her assigned duty. Anything less violates the trust placed in him/her by the people, and nothing less qualifies.

Section 10. Employee Grievances

It is the sincere intent of the Yorktown Police Department to be fair and reasonable with all employees at all times. However, in the relationship of employee to employee, or employee to employer, problems may develop. Generally, satisfactory solutions to any problems employees may encounter are not found by discussing it with fellow employees or other members of the police Department. Fair handling of a problem or complaint cannot be given if employees do not let the proper people know of its existence.

If employees have questions about interpretation or application of Department policies, operations and procedures, or rules and regulations, or is in disagreement with another member of the Department, feels that he/she has been treated unfairly, or some problem has not been resolved to his/her satisfaction, an officer may follow the grievance without fear of recrimination.

Section 11. Commendations

The Department expects a high level of professional conduct from all employees. An official commendation as well as the arrangement of appropriate public recognition will be provided by the Department to give public recognition to those who have brought honor to themselves and the Department.

ARTICLE 5 – RULES FOR POLICING

Section 1. Responsibility of On-Duty Officers

On-Duty officers within the Town limits, after considering the tactical situation, are to take all steps reasonably necessary and consistent with their assignment to enforce local ordinances and the statutes of the State of Indiana and the Federal Government and to protect life and property.

Section 2. Responsibility of Off-Duty Officers

Under Indiana Law both on and off-duty officers have police authority as to any public offense committed or which there is probable cause to believe has been committed in his/her presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense.

Section 3. Peace Officer Authority Outside Town Limits

The Town of Yorktown has extended to its police officers all the peace officer powers of Indiana Code 35-33-1-1. Department police officers who are outside of the jurisdictional borders of the Town of Yorktown shall temper these powers with exceptional judgment, care, and caution. An officer may act to prevent the loss of life and property pursuant to Indiana Statute. No officer shall initiate any traffic enforcement action outside the corporate limits of the Town while he/she is in his/her personal vehicle.

Section 4. Authority Outside of State

The powers and authority of Yorktown Police officers do not extend beyond the State except as provided for in case of “hot pursuit”. Officers who are outside the boundaries of this State for extradition of other matters of direct concern to the Town, are not to engage in police activities unless necessary in the performance of their duties as an agent of the Town, and then only after consideration of the tactical situation.

ARTICLE 6 – COMMUNITY RELATIONS

Section 1. General Provisions

A system of law and its enforcement is not superimposed upon an unwilling public in a free society. Rather, the law is created by the people themselves to control the behavior of those seeking to interfere with the welfare and very existence of the community. Although the primary responsibility for enforcement of the law lies with the people, modern society is complex and most people are unable as individuals to cope with crime. Thus, the Police Department has been created to assist in maintaining social order.

The police effort, by its very nature, tends to restrict individual freedom. In the performance of their duties, police come into contact with members of the public. The encounter can be a very frightening and emotionally painful experience for the individual and the possibility of a misunderstanding arising is very great. In the very least, such circumstances leave a lasting impression which may color the citizen's attitude toward and cooperation with the Police Department. Minimizing the risk of misunderstanding in contacts with the public presents a challenge of some consequence for the Department.

Effective law enforcement depends not only on the respect and confidence of the public, but on a close, direct and continuous communication between the police and every segment of the population.

Section 2. Individual Dignity

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law. The protection of this right is a duty, which is as binding on the Department as any other.

An officer must treat each individual with as much respect as that person will allow. He/she must be constantly mindful that the people with whom he/she is dealing are individuals with human emotions and needs. Such conduct is not a duty imposed in addition to an officer's primary responsibilities, it is inherent in them.

Section 3. Role of Individual Officer

In its most common form, community relations take place in the numerous daily encounters between individual officers and citizens. It is at this level that community relations are established and maintained.

Each officer must attempt to make his/her contact with people one which inspires respect for himself/herself as an individual and professional and one which generates the cooperation and approval of the public. While entitled to his/her personal beliefs, an officer cannot allow his/her individual feelings or prejudices to enter into public contacts. Every officer must strive to eliminate attitudes which might impair his/her impartiality and effectiveness.

Section 4. Equality of Enforcement

Yorktown is composed of many different neighborhoods, each with its own life style and each with its own individual crime problems. The foundations of this country are based on the principle that all men are created equal. It is the right of every individual to have equal protection under the law. Therefore, there shall be no inequality or discrimination in the enforcement of laws.

Section 5. Responsiveness to the Community

The Department must be responsive to the needs and problems of the community. While the Department's task is governed by the law, the policies formulated to guide the enforcement of the law must include consideration of the public will. This responsiveness must be evidenced at all levels of the Department by a willingness to listen and genuine concern for the problems of the community. The total needs of the community must become an integral part of programs designed to carry out the missions of the Department.

Section 6. Openness of Operation

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be full public disclosure of policies and openness in matters of public interest while maintaining confidentiality of the Department and individuals. Therefore, the Department shall disseminate accurate and factual accounts of occurrences of public interest, insofar as such disclosures do not violate the legal rights of the individuals involved or those Department records or matters deemed confidential.

Section 7. Interpersonal Communications

To promote understanding and cooperation, there must be interpersonal communication between members of the community and officers at all levels of the Department. Each employee must be aware of the law enforcement needs of the community and his/her particular assigned area of responsibility. Guided by policy, an officer must tailor his/her performance to attain the objectives of the Department and to solve the specific crime problems in the area he/she serves. The Department must strive to ensure that the unity between the police and the people is preserved.

ARTICLE 7 – COMMUNITY AFFAIRS

Section 1. Role of the News Media

The Yorktown Police Department is constantly aware of the need for close liaison with the news media to assist them in performing their task of gathering information. Crime, its results, and the efforts to combat it are all matters of continuing public concern.

Section 2. Role of the Department

The Yorktown Police Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner which does not hamper police operations.

Section 3. Responsibility for the Release of Information

When there is an event of major proportions, the Town Marshal, or his/her designee, will assume responsibility for the release of information.

Section 4. Scope and Content of the Release of Information

The scope and content of each release of information must be determined according

to the facts of each situation. Certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged. Such determination is made by the Town Marshal.

Section 5. Allowing News Media to Enter Area of a Serious Police Incident or Crime Scene

Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the situation and the likelihood of jeopardizing police operations, members of the news media may be allowed in such areas. Authorization for entry into such areas must be granted by the Town Marshal.

Section 6. Where News Media are not Authorized

A news person does not have the authority to be within a crime scene or area which has been secured to preserve evidence or at any location where his/her presence jeopardizes police operations.

Section 7. Requesting the Withholding of Publication

News persons may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect, or others in jeopardy, the withholding of publication is dependent upon a cooperative press, not upon censorship by the Department. Under such circumstances officers should advise the news person or their supervisors of the possible consequences of publication; however, officers may not interfere with news persons' activities as long as that performance remains within the confines of the law.

Section 8. Request for Information

The public has an interest in law enforcement and in the activities of its police department. The news media and members of the public frequently direct inquiries to the Department, seeking information on a variety of subjects. While it is the objective of the Yorktown Police Department to accommodate such requests, it is not always possible to do so. Whether to release information or to grant interviews will be determined by the Town Marshal according to the facts of each individual case.

Section 9. Cooperation for Feature Articles or Programs

Requests for Department cooperation in the preparation of articles for newspapers, magazines, and other publications will be individually considered, and, if approved by the Town Marshal, permission for the interviewing of Yorktown Police Department personnel and the photographing of police facilities will be limited to the scope of approval. Officers should exercise care and discretion so as not to make statements or convey information which may create a misunderstanding or compromise the effectiveness of the police service.

Section 10. Responsibility of Officers to Supply Information

Frequently, due to public expectations and because of his/her accessibility, an officer is called upon to supply information both related and unrelated to the law enforcement function. An officer should appropriately answer questions asked him/her, or refer the person to the proper individual or agency for such answers. When a request is made for information about a police matter, an officer should decide if he/she is in possession of sufficient facts and is qualified to respond, and whether the person making the request is a proper person to receive the information. Generally, an officer should be open in his/her dealings with the public and, unless there is reason to the contrary, he/she should supply requested information. He/she should, however, be cautious to avoid representing as fact that which is his/her opinion.

Section 11. Impartiality of the Department in Labor Disputes and Public Protests

Strikes and mass or circular picketing or lawful public protest are not, in themselves, violations of the law. It is the illegal acts which sometimes arise from such activities which are the concern of the Department. The effectiveness of the Yorktown Police Department in labor disputes and peaceful protest is maintained by its remaining, at all times, impartial regarding the parties and issues involved and by taking appropriate action whenever criminal acts are observed or reported.

Section 12. Deployment at Labor Disputes and Public Protests

Police officers will not normally be deployed at strike or lawful protest scenes; however, when such deployment becomes necessary, it is the responsibility of the concerned commanding officer to take the necessary police action to deter crime and to keep the peace.

Section 13. Cooperation With Other Criminal Justice Agencies

The Yorktown Police Department maintains a close working relationship with other law enforcement agencies, and makes available to them information concerning techniques and procedures developed or used by the Department.

If this involves the investigation of a Yorktown Police Officer by another agency, that agency should respect the rights and reputation of that Officer and should attempt to conduct witness interviews or interrogations at a separate location other than the Yorktown Police Department, unless authorized by the Town Marshal.

Section 14. Criticism of Criminal Justice System

The Yorktown Police Department shares responsibility with the Judiciary and other law enforcement and prosecution agencies in the criminal justice system. All elements of the system work toward common objectives and each element is complementary.

Cooperative working relationships are essential in attaining those objectives; these are impaired by unnecessary criticism of others engaged in the administration of criminal justice. Officers should be aware of the effect of any comments they make which might be interpreted as being critical of other law enforcement or prosecution agencies or individual members of the Judiciary.

It is not intended that there be any infringement of any officer's right to express his/her personal views regarding the criminal justice system in general or any trends which

seem to lessen efficiency.

ARTICLE 8 – LAW ENFORCEMENT OPERATIONS

Section 1. Nature of the Task

Law enforcement operations consist of many diverse activities which are directed toward the attainment of Department objectives. Activities such as patrolling, conducting field interviews, and issuing traffic citations are not objectives in themselves; rather, they are methods of achieving the real objectives of preventing and deterring crime, arresting criminal offenders, and preventing traffic accidents.

Decisions in law enforcement operation frequently must be made in an instant, and the lives of officers and others may depend upon the quality of those decisions. An officer is confronted in stressful situations with both criminal and non-criminal behavior, and he/she must be capable of making a reasonable response in both cases. An officer must base his/her conduct and action in each instance upon the facts of the situation as they reasonably appear, relying upon his/her experience, training, and judgment to guide him/her toward morally justified and lawful decisions and actions.

Section 2. Police Action Based on Legal Justification

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation. Different facts may justify either an investigation, a detention, a search, an arrest, or no action at all. Legal justification imposes a limitation on an officer's action. In every case an officer must act reasonably within the limits of his/her authority as defined by statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.

Section 3. Alternatives to Physical Arrest, Booking, or Continued Detention

Once a violator has been identified, it is the function of the Yorktown Police Department to initiate the criminal process; however, there are circumstances when a crime may occur and there will not be a physical arrest. There may be a report written, or in some cases, when the offense is of a minor nature, a verbal warning may be given.

At no time is an Officer permitted to attempt to re-file charges once those charges have been dismissed by the Prosecutor's Office without authorization from the Town Marshal.

Section 4. Professional Standard of Service

The Department is dependent upon members of the community for information where police action may be required. The people, in turn, expect the Department to respond to requests for police service within a reasonable amount of time and to satisfactorily perform the necessary service. A person calling for police assistance expects, as a matter of right, to be provided with a service. As a practical matter, the extent of the service may be limited, but regardless of its extent, a professional quality of service must be rendered in all cases.

Section 5. Priority of Handling Calls for Service

It is not always possible for the Yorktown Police Department to respond to every call for service. Priority of call assignment depends on many factors: it is normally the responsibility of communications personnel to make such assignments, based upon Department procedures.

At times an officer in the field may be required to decide whether to continue on an assigned call or handle a citizen's complaint or other observed event and cause his call to be reassigned. Such determination is based upon comparative urgency and the risk of life and property of the assigned call and the intervening incident.

When it is not possible for an officer to handle a citizen's complaint or an observed event, he/she should, if circumstances permit, either give directions for obtaining such assistance, or initiate the necessary notifications himself/herself.

Section 6. Non-Jurisdictional Reports

The Yorktown Police Department will not normally take reports of incidents or crimes occurring outside the limits of the Town. Persons requesting to make such reports should be referred to the proper agency. However, if requested by other law enforcement agencies, the Yorktown Police Department will render all assistance necessary.

Section 7. Civil Disputes

Officers may be called to the scene of civil disputes, where no crime has been committed. The presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring. Officers should avoid becoming unnecessarily involved in civil disputes and may advise the parties to seek the advice of legal counsel.

Section 8. Field Supervision

Since emergency situations occur without warning, and their duration is often brief, officers must frequently make critical decisions without the benefit of on-the-scene direction. In most situations, however, supervision is available and necessary to provide guidance and training. Proper supervision directs the energies of the Yorktown Police Department into an organized effort. Proper supervision is essential to maintain a professional level of competence in law enforcement.

Section 9. Supervision in Field Operations

The Yorktown Police Department is an organization with an assignment of responsibility and accountability throughout the rank structure. A superior officer is responsible and accountable for the performance of his/her subordinates, he/she must be granted commensurate authority in order to properly discharge his/her supervisory responsibility.

Section 10. Command Responsibility at Police Situations

Command of Department resources at a police situation rest with the field

commander or the assigned ranking officer. Such person has the authority to direct the operation and is responsible for its outcome. A ranking officer at an emergency scene who does not choose to take command may be held accountable for unfavorable developments which he/she might have prevented by assuming control.

Section 11. Investigation of Reported Crimes

Follow-up investigations consist of efforts to interview victims and witnesses; locate, identify and preserve physical evidence; recover stolen property; identify, locate, interview, and arrest suspects; present the case to the prosecutor; and cooperate in the prosecution of the defendant. Such investigations are conducted to produce evidence relating to the guilt or innocence of any suspect and to recover property.

Section 12. Use of Informants

Often, information from confidential sources is the investigative lead which solves a case and without which there could not be a prosecution. Information is received by the Department regarding criminal activities and suspects from persons of all walks of life. However, regardless of their motivation, the use of informants is a basic weapon in the fight against crime; they are a judicially recognized source of information. An informant's motivation should be carefully evaluated in determining the extent upon which the information will be relied.

Section 13. Individual Investigator's Informant Responsibilities

Officers should keep their supervisors informed of their relations and activities involving informants.

Section 14. Conduct of Undercover Officers

In order to obtain information and evidence regarding criminal activities, it may be necessary that the Yorktown Police Department utilize undercover operators. Such operators shall not engage in entrapment. The officers shall not commit any act or omit to perform any duty imposed by law which constitutes a crime.

Section 15. Necessity that Officers be Armed

It is necessary for police officers to be properly armed for the protection of society and themselves while on duty.

Section 16. Deployment in Anticipation or the Commission of Crime

The purpose of deploying officers at the scene of an anticipated crime is to arrest the perpetrator of the attempted or consummated crime; however, since that objective is subordinate to the protection of life, officers should not subject themselves or other innocent persons to unreasonable risks.

ARTICLE 9 – TRAFFIC ENFORCEMENT

Section 1. Traffic Enforcement Objective

The objective of traffic enforcement is to reduce traffic accidents and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. This objective will be obtained through a combination of education and enforcement.

The Yorktown Police Department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as intent, or frivolous excuse. Enforcement action may consist of a warning, citation, or custodial arrest.

Section 2. Violator Contact

Traffic violation enforcement is one of the many routine tasks performed by officers, but for violators it frequently is an emotional experience. Often this is the only contact that a person has with police officers. Officers should be aware of this and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional manner.

Section 3. Enforcement of Parking Regulations

Street parking is restricted in various areas of Yorktown to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the Town.

Section 4. Selective Enforcement

The Department conducts statistical and visual surveys to determine by location, time, and day of week which violations are causing accidents. Based upon this information, the Department deploys its personnel to those specific areas to observe violations and to take enforcement action. In addition, when the Department receives complaints of a specific traffic problem in a particular area, it specifically assigns personnel to investigate and take necessary action.

Section 5. Vehicle Inventory of a Towed Vehicle

Vehicles towed by an Officer of the Yorktown Police Department incident to an arrest will do a written vehicle inventory of the contents of that vehicle.

If a vehicle is parked illegally or deemed to be a road or safety hazard that vehicle will be towed and a written inventory made of its contents. If this vehicle is locked a visual inventory will be done and written down.

A vehicle inventory tow-in report will be completed when an Officer has taken the action to have a vehicle towed. This inventory will be completed before the vehicle is towed from the scene. If circumstances exist that would place the Officer or the public at risk by not removing the vehicle in a timely manner, the inventory then can be completed once the vehicle has been moved to a safer location.

Officers will turn in the vehicle inventory report with any other paperwork

Vehicles towed by the owner/operators request, vehicles towed due to crash, vehicles towed by the property owners request will not be inventoried and will be considered a private tow.

If during the course of this action the officer has obtained further information which would lead to a criminal investigation then the vehicle will be towed and an inventory done.

ARTICLE 10 – NARCOTICS AND VICE

Section 1. Vice Enforcement

The Department is charged with the enforcement of all criminal statutes including those defined as vice offenses. To prevent the spread of vice conditions, the Department will take aggressive enforcement action against all vice activities, against those vice activities which have been complained of, and against conspicuous vice conditions which appear on the streets and in the public places of the Town.

Section 2. Narcotic Enforcement

The Department will enforce all local, state and federal statutes which prohibit the possession, use or traffic of narcotics, non-prescription dangerous drugs, and other restricted or prohibited substances. The Department seeks to prevent and deter the use and possession of, and traffic of all such substances within Yorktown through aggressive enforcement. In so doing, the Department may, at times, also conduct investigations outside the Town in cooperation with appropriate law enforcement agencies to prevent the flow of such illegal substances into the Town.

ARTICLE 11 – ADMINISTRATION

Section 1. General Provisions

Yorktown Police Department Administration involves the efficient management of a complex organization which performs its functions through the acts of its employees. This involves the interaction of people, not only within its ranks, but in all personal contacts between its members and the public. Department administration is, to a large extent, taking action to improve the ability of its employees to properly perform the police task as well as strengthen the relationship which exist between all employees and the public they serve.

Departmental personnel are required to make decisions involving the public and other employees in response to both administrative and operational problems. These decisions must be a balance of involved interest, considering what is best for the public, the Yorktown Police Department, and any individual involved. That decision must then result in effective action directed. That decision must then result in effective action directed toward the accomplishment of the Department's objectives.

Section 2. Command Concern for Employee Welfare

There must be a co-existing loyalty to the management of the Department and to subordinates. The resolution of those loyalties, in a manner which benefits both the Department and the individual, and which avoids conflicts between the two interests requires leadership. It is the responsibility of command to take an interest in employees and their welfare; this includes a concern for the problems, desires, and interest of employees and positive assistance in resolving their problems or in achieving their goals.

Section 3. Planning Responsibility

Planning is essential in providing police service. From the Town Marshal, who must devise long-range plans involving the entire resources of the Department to the patrol officer, who must discuss an operational plan with his/her partner while in route to a call, planning is essential.

In the performance of their duties, officers are confronted with an infinite variety of circumstances which require police action. In an attempt to assist officers to deal with such diverse situations, the Department establishes operating procedures to direct action in certain generalized situations. As officers are confronted with the unusual, it is difficult to provide standard operating procedures for officers to follow in each individual situation; therefore, officers must also be provided with police guidelines to assist them. The combination of policy and procedures, reinforced by training, provides officers with the framework within which to function.

In addition to developing standard operating procedures, the Department must regularly devise single-use plans to accommodate specific needs. These plans may involve a Department-wide response to a major unusual occurrence or a tactful answer to an isolated police incident. Once executed, such plans should be evaluated for the development of standard procedures for future reference.

Section 4. Scope of Planning

While each plan differs according to the need for which it is developed, each plan should define its need, objective, scope and purpose, the method for its implementation, and a means of evaluating its effectiveness.

Section 5. Department Directives

In any organization, the communication of policies, procedures and certain other information to employees is essential. Thus, the Department utilizes a system of written directives to ensure that all employees receive the same information and that such information is accurate.

Directives communicate desired information to concerned employees. Directives should be well planned, properly drafted and clearly stated.

Section 6. Chain of Command

Clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and the Town Marshal. Each employee must be aware

and those persons who are accountable to him/her. Employees should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities, however, the Town Marshal is available to any member of the Department.

Section 7. Flexibility of Organization

The Yorktown Police Department will make organizational adjustments to meet changing needs to obtain the maximum benefit from assigned resources. However, to ensure stability, the basic Departmental structure will not be changed in the absence of a demonstrated need or to satisfy temporary requirements. In addition, each commanding officer has the responsibility to constantly evaluate his/her operation.

Section 8. Inspection and Control

Inspection and control are necessary to determine if command policies, procedures, and rules are adequate and are being adhered to, whether Department resources are adequate and are being properly utilized, and to evaluate the overall performance and attitude of the Department. It is the responsibility of the Town Marshal to conduct inspections within his/her command to ensure the proper performance of assigned personnel and the most efficient use of assigned equipment.

ARTICLE 12 – PERSONNEL

Section 1. Recruitment

To obtain the highest caliber of candidates possible, it is essential that all officers participate in the recruitment process. Officers should counsel persons who show an interest in law enforcement careers and encourage their applications.

Section 2. Duty Assignments

Allocation of personnel to specific assignments is made with the objective of establishing optimum Departmental effectiveness.

Section 3. Advancement

The effectiveness of the Yorktown Police Department is maintained through the selection and promotion of the most qualified personnel to positions of increased responsibility.

ARTICLE 13 – SUPPORT SERVICES

Section 1. Telephone Communications With the Public

Telephone is the primary method by which the services of the Department are requested. All incoming telephone calls must be answered as promptly as possible to

determine if a need for police service exists and, if so, to provide the required service.

Section 2. Telephone Courtesy

In answering the telephone calls, employees should courteously greet the caller and ask to be of assistance. Employees should make every reasonable attempt to either supply requested information and assistance or to promptly refer the party to the proper Departmental unit or other public or private agency for assistance.

Section 3. Records

Records are maintained in compliance with statutes, as a public service, as an investigative and administrative aid, and to provide statistical data. Department records are confidential; however, criminal records and arrest information will be released upon approval, to those persons who qualify as peace officers under existing statutes or to other governmental agencies in the Criminal Justice System.

In addition, the Department will provide crime and traffic reports to crime victims, parties to accidents and other sufficiently interested parties. Except for approved government agencies, Department personnel will not release criminal and arrest records or information from its files to prospective employers.

Section 4. Fleet Safety

The Yorktown Police Department employees have a duty to operate Departmental vehicles in a legal, safe, and courteous manner. Vehicle safety involves the establishment of standards, vehicle testing and selection, regular inspections, preventive maintenance and defensive driving. Defensive driving is a matter of personal practice which involves proper motivation and the development of a positive mental attitude toward driving.

TITLE II
RULES AND REGULATIONS
ARTICLE 1 – AUTHORITY
Chapter 1
General

Authority in the Department shall be exercised with firmness and impartiality. Under no circumstances shall personal attitudes be permitted to influence decision.

Chapter 2
Administration of Authority

Section 1. Town Council

The Town Council is responsible for the hiring and dismissal of the employees of the Police Department. However, the Town Council may delegate the hiring and dismissal of employees to the Town Marshal.

The Town Council must approve rules and regulations adopted by the Department, approve changes in the organization of the Department, and possess general authority over the fiscal management of the Department, including the authority to change the size of the Department based upon economic factors.

Section 2. Town Marshal

The Town Marshal is responsible for the day-to-day functioning of the Department and the assignment of members to duties within the Department. Under I.C. 36-8-3-3 (g). the Town Marshal is granted the exclusive control of the Police Department, subject to the rules and orders of the Indiana Code.

The Town Council expressly reserves the right to review and/or revise disciplinary action taken by the Town Marshal, affirming, increasing or decreasing such action.

Section 3. Chain of Command

The unbroken line of authority extending from the Town Marshal through a single subordinate at each level of command down to the level of execution and, up the line of authority, shall be preserved in order to maintain principles of sound administration. Ranks shall not be by-passed except in emergency or unusual situations which demand it, or as otherwise specified in this manual.

YPD's current Chain of Command is as follows;

1. Chief (Marshal) – Appointed by the Town Board
2. Captain – Appointed by the Chief. Serves at the leisure of the Chief and can be removed by the Chief at any time and demoted to previous rank held.
3. Sergeant – Recommended by the Chief and appointed by the Town Board.
4. Patrolman – Recommended by the Chief and appointed by the Town Board.

Section 4. Functional and Staff Supervision and Authority

Authority delegated or granted to ranking officers is not confined to their respective commands, but shall include supervision over all officers and civilians of the Police Department as may be necessary for efficient administration. This authority shall be exercised with discretion, avoiding the issuance of direct commands to personnel not assigned to the ranking officer's control except where necessary, such as periods of emergency and/or serious breach of discipline.

Section 5. Exercise of Authority

A ranking officer should exercise the authority of his/her position under all conditions, which requires that he/she shall use such authority in the best interests of the Department. He/she shall not unnecessarily countermand any orders of officers below his/her rank or needlessly interfere with specific duties of such officers.

Section 6. Command Authority

When a question of authority may arise regarding who shall be in command, such authority shall be determined:

- (1) First by rank (and/or delegated or acting authority);
- (2) Second, if officers are of equal rank, by the officer having the most seniority, who then is designated as in command, or by the nature of the assignment;

ARTICLE 2 – CONDUCT

Chapter 1 Grounds for Discipline

Violation of any of the provisions of this Article may be grounds for discipline.

Chapter 2 Insubordination

Section 1. General

Failure or deliberate refusal of any member of the Department to obey a lawful order given by a superior officer shall be considered insubordination. Disrespect of a superior officer or his/her orders and disrespect for subordinates are considered insubordination.

Section 2. Orders

Each member must carry out promptly and exactly the lawful orders of his superiors.

1. **Unlawful orders.** A member shall not carry out an unlawful order. Responsibility for refusal to carry out an order on the grounds that it is unlawful rests with the member. Members should bring orders which they believe to be unlawful to the attention of the Marshal as soon as possible after receiving the order.
2. **Unjust and/or Orders Contrary to Regulations.** If a member believes an order given him/her to be unjust or unreasonable, he/she must immediately advise the superior officer issuing the order of his/her objection to it. Upon being told a second time to carry out the order, the member shall carry out the order and subsequently notify the Marshal of his/her objection to the order.
3. **Conflicting Orders.** If a member receives an order which conflicts with an order previously given him/her, the member shall inform the superior officer issuing the second order of the conflict. Responsibility for disobedience to the first order then shifts to the officer issuing the second order. If the officer giving the second order directs the member to carry out that order the member shall do so.
4. **Oral or Written Orders of the Town Marshal.** Any written or oral order posted or communicated over the signature or name of the Town Marshal shall have the same effect and be construed as a part of the rules and regulations of the Department.
5. **General and Special Orders.** All Departmental orders shall have the effect of rules and regulations. General and special orders are either specific orders or specific extensions of areas covered in rules and regulations, or orders which address matters not covered in the current rules and regulations. They shall be issued on the authorization of the Town Marshal.

All Department general orders and special orders which have not been specifically revoked in writing are to be considered valid and in full effect.

Violations of general or special orders shall be considered violations of Departmental rules and regulations and shall be treated in the same fashion for disciplinary purposes.

Section 3. Respect toward Superior Officers

Superior officers shall be treated with respect and may be addressed by their rank.

Section 4. Respect toward Subordinates

Superior officers shall treat their subordinates with courtesy and respect. Superior officers shall not abuse or degrade their subordinates.

Chapter 3 Neglect of Duty

Section 1. Attention to Duty

Members shall give full attention to the performance of their duties. Neglect of duty includes, but is not limited to, the following:

1. Failure to take police action when such action is needed.
2. Unnecessary absence from an assigned-duty post.
3. General indifference toward one's duties.
4. Failure to follow the Standard Operating Procedures of the Department.
5. Cowardice.

Section 2. Familiarity with Law and Police Manual

Each member shall be familiar with the statutes of the State Of Indiana, the Ordinance of the City of Yorktown, the Rules, Regulations, Policies, and Procedures provided for under the Yorktown Department Manual, and all orders applicable to the member. Members shall, upon return from an absence of any duration, familiarize themselves with any changes that may have occurred during such absence.

Section 3. Duty to Enforce Law

Members shall enforce the statutes of the State of Indiana and the ordinances of the City of Yorktown whenever violations of those statutes and ordinances are observed.

Section 4. Radio Dispatcher's Instruction

Members shall carry out the instruction of the radio dispatcher. Each member shall acknowledge calls from the radio dispatcher and shall respond to the assigned call without delay. An Officer shall notify the dispatcher of arrival time at the scene.

Section 5. Absence

Members shall be present for duty and assigned shifts. Members shall not leave duty assignments without notifying the next available superior officer.

Section 6. Violations by Members

A member who receives information or has knowledge of the violation of a statute, ordinance, or Departmental regulation committed by another member of the Department, shall transmit that information or knowledge promptly to the Marshal.

Chapter 4 Training

The Department has an obligation to provide a professional standard of law enforcement service to the community. In fulfilling that responsibility, it is essential that Department personnel be properly trained. This is true not only at the entrance level but is

continuous throughout their career. Training is provided for the self-improvement and personal development of its employees.

Section 1. Statutory Requirements

A law enforcement officer who has been appointed will not be eligible for continued employment unless the officer satisfactorily completes the required in-service training courses or other job related subjects that are approved by the Law Enforcement Training Board as determined by the law enforcement department's or agency's needs, with-in the required time frame.

The Law Enforcement Training Board may waive an officer's in-service training requirements if the board determines that the officer's reason for lacking the required amount of in-service training hours is due to (1) an emergency situation or (2) the unavailability of courses.

Section 2. General

Members shall attend in-service specialized training, firearm qualifications in the theory and practice of law enforcement at the direction of the Town Marshal, as required. Such attendance shall be considered a duty assignment.

Section 3. Continuing Training and Education

Members are encouraged to further their education in law enforcement through study, special courses, college work, extension programs, and independent readings. Certificates of completion and other relevant documents pertaining to law enforcement courses will be filed, when submitted, in the officer's personnel file.

Superior officers shall assist officers, whenever practical, to enable them to participate in voluntary training programs.

Section 4. State Mandated / Required Training

Refresher training is periodically provided to experienced officer to update their effectiveness.

Training which is state mandated may change due to recent developments in the practices of policing and law enforcement. This training will be completed as ordered by the state.

Written materials provided during this training will be added to the Attachments section of this manual and updated as instructed by the Training Supervisor and/or the Town Marshal.

This material will then become part of the Policies and Procedures and will be known and followed as instructed.

It is the responsibility of each officer to maintain this manual.

Section 5. Specialized Training

To prepare employees for new assignments, promotion, or areas of instruction specialized training is provided.

This is a valuable tool in broadening the scope of what this Department is capable of as well as retaining officers and increasing morale.

Chapter 5

Firearms Qualifications and Authorized Firearms and Ammunition

Section 1. General

Firearms proficiency is a basic job requirement, and all officers on the Yorktown Police Department must meet the minimum standard of proficiency in order to perform as police officers.

Section 2. Safe Handling of Firearms

Officers shall only draw their weapon when it is needed in the performance of their duties or any other lawful manor.

Section 3. On-Duty

Every officer of the Department shall carry and use while on duty, the Department approved side arm and ammunition. During on-duty status, every officer must have his/her duty weapon regardless of assignment unless authorized by the Town Marshal.

Section 4. Off-Duty

While on off-duty status, every officer must have his/her duty weapon or an off-duty weapon that they have qualified with whenever they are operating a Town owned/leased police vehicle.

Section 5. Duty Issued Firearm

1. Every officer shall qualify with their duty weapon. This may be the one issued by the Department or approved by the Town Marshal.
2. Every officer shall qualify on the Yorktown Police Department qualifications course a minimum of 1 time per year.

Section 6. Back-up Weapon

Every officer carrying a back-up weapon while on duty shall register such weapon with the Town Marshal.

Every officer shall qualify with that weapon on the Yorktown Police Department Firearms course a minimum of 1 time per year and shall qualify with the same ammunition they will be carrying with that weapon.

Section 7. Shotguns

1. Every officer shall qualify with a shotgun 1 time per year on the established Yorktown Police Department Course.
2. Every officer shall be qualified before authorized to use a Department shotgun or to carry his/her own shotgun.
3. If an officer has a shotgun of his/her own they must have qualified with it before carrying it on duty. This weapon must be registered with the Town Marshal.

Section 8. Ammunition

Ammunition used in the use of the Officers duty weapon or shotgun shall be issued by the Yorktown Police Department. Officers are permitted to carry additional ammunition with them or in their vehicle.

Section 9. Failure to Qualify

An Officer will be allowed no more than 3 attempts to qualify during the department's qualification.

If an Officer fails to qualify with his/her primary duty weapon or the shotgun, the Town Marshal shall be notified.

It is the officer's responsibility to make arrangements for additional training at the earliest date possible.

The Officer must then make an additional attempt to qualify within 14 days of the failed attempts. That Officer will be allowed no more than 3 attempts to qualify during this second round of qualification.

Firearms qualifications are a basic job requirement for a police officer. Failure to qualify shall be considered substandard performance and will be the basis for disciplinary action.

Section 10. Extended leave / illness or injury

A police officer who has taken extended leave or suffered an illness or injury that could affect his/her use of firearms ability will be required to re-qualify before returning to enforcement duties.

Chapter 6 Other Weapons

Section 1. Police Flashlight

The heavy-duty police flashlight may be used for self-defense, but may not be used in place of a baton unless absolutely necessary.

Section 2. TASER

- a) Before receiving the TASER each Officer will be given a copy of the current YPD

- Policy which explains the use and rules associated with the TASER.
- b) Officers will receive a copy of the article “Improving ECW Tactics and Policies”, written by Gary Meyer in the August 2015 issue of POLICE magazine. (See Attachment)
 - c) It will be the Officers responsibility to read and understand this information. If the Officer has any questions regarding this information, they should be addressed to the Chief or to the Instructor during TASER Certification.
 - d) The use of a TASER is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The TASER shall be used only to the extent necessary to overcome the resistance of the suspect and within training standards. The TASER shall be used only by personnel trained in their application.
 - e) Officers who are trained in the use of the TASER must have the TASER with him/her while on duty, if one is available.
 - f) Officers who are not on duty but driving a marked car or an unmarked car are not required to have a TASER with them or in the vehicle.
 - 1) Keep the application to the absolute minimum required to control the subject.
 - 2) Do not use the Advanced TASER:
 - a) When a female is known or obviously pregnant
 - b) When any subject is saturated with or is in the presence of a highly flammable or combustible material or liquid. Check OC spray for alcohol base.
 - c) Aimed at the head.
 - 3) Deployment
 - a) All department personnel who are issued TASERS shall receive training in the proper use and application of the TASER.
 - b) The TASER can be used against a person posing a threat to themselves or others.
 - c) If an Officer believes that during his attempts to control a subject, the subject or the officer could be injured, the officer can use the TASER to control that subject to avoid injury. The subject will then be treated and arrested, or detained and transported to the hospital for evaluation.
 - d) Anytime that a TASER is deployed in a tactical setting, the officer using the TASER shall announce that he is about to deploy by saying “TASER” in an audible tone, so that other officers may be aware that the shot they see and/or hear is from a TASER, and not a firearm. Such an announcement reduces the risk that a fellow officer will mistake the TASER for a gunshot and discharge his own firearm.
 - e) It is not recommended that a TASER be deployed against a lethal threat. However, if the TASER is used in such a situation, the officer using the TASER should have lethal cover in the event of a missed shot, failure to stop, or other unforeseen circumstances.

- 4) **After Use Guidelines**
 - a) Anytime probes have penetrated the skin they should be considered infectious and treated as any other hazardous material. Once probes have been removed from suspect by medical personnel, they shall be disposed of in the proper receptacles.
 - b) Any puncture or skin irritation shall be photographed and retained as evidence.
 - c) A 'Use of Force' report shall be completed by the officer after each field use. The report shall then be reviewed by the supervisor and a copy forwarded to the Chief's desk.
- 5) **Treatment**
 - a) The subject shall be monitored after the deployment.
 - b) As soon as practical, the subject shall receive medical attention.
 - c) Medical personnel should remove probes whenever possible.
- 6) **Maintenance**
 - a) Any malfunction in deployment or defect noticed by an Officer, that Officer will report this occurrence to his supervisor in writing. A copy of that report will be forwarded to the Chief's desk.
 - b) The TASER in question will be taken out of service by the reporting Officer until the problem is corrected.

Section 3. Patrol Rifle

A. Purpose:

Increasingly, police officers are encountering criminal suspects armed with high capacity semi-auto and fully automatic rifles. Police Officers carrying only a sidearm (handguns) are severely outgunned when engaging an adversary with one of these weapons. The purpose of this policy is to immediately provide access to the patrol rifle to counter the firepower of heavily armed suspects.

B. Policy:

Only those weapons authorized by the Chief of Police will be carried as a patrol rifle. Those Officers carrying such weapon will have a letter placed in their training file from the Marshal which allows this action.

C. Training:

Officers are not authorized to carry the patrol rifle until they have received training. Training consists of a department approved Patrol Rifle Tactical Weapons Course. This course will be taught by a certified instructor, specifically the use of the Patrol Rifle.

D. Carry and Deployment:

When carried on the street, the police rifle will be carried in the police vehicle, in the trunk, in a case or other authorized manner. The rifle will be carried in the following condition: A magazine will be in place, the chamber will be empty with the bolt forward.

The ammunition shall be the authorized ammunition by the Yorktown Police Department. This may change as ammunitions is developed and improved.

The rifle maybe equipped with a sling. The only optional accessories are a light and mount, electronic optical sights, night sights, bipod, and suppressor. Telescopic sights are authorized by the Chief only.

The tactical use of the Police Rifle is at the discretion of the Officer. Generally, incidents wherein a high probability of armed confrontation exists will justify the use of the police rifle. Officers are to use great discretion before utilizing or deploying the police rifle.

E. Use of Force:

Policies and procedures governing the use of deadly force shall be applicable to the carrying and use of the Patrol Rifle.

Chapter 7 Criminal Activity and Improper Conduct

Section 1. Officers Arrested on Felony Charges

If an officer is arrested because of federal or state indictment of information alleging a felony, the following action shall be taken:

1. **In the line of duty – If the officer’s arrest is a result of actions taken in the course of carrying out his/her duties as a police officer, regardless of whether the officer was actually on duty or in uniform at the time:**
 - a) **The officer shall not automatically be suspended without pay.**
 - b) **At the discretion of the Marshal, the officer may continue in his/her regular duty status, be reassigned, or be suspended.**
 - c) **The incident leading to the officer’s arrest will be investigated and appropriate action may be taken.**

2. **Not in the line of duty – If the officer’s arrest does not result from actions taken in the course of carrying out his/her duties as a police officer, the officer shall be suspended immediately with pay, or reassigned, as determined by the Town Marshal.**

The Town Marshal will contact the Town Manager to request an emergency meeting of the Town Board, or request that this case be placed on the next regular board meeting agenda.

Information is then presented to the Town Board, by the Town Marshal and/or the Town Manager including his/her recommendation where a majority vote will determine if

the suspension or reassignment is to be up held, withdrawn or upgraded to that of suspension with or without pay.

3. If the officer is acquitted of the felony, he/she shall be reinstated and shall be entitled to back pay.
4. If the officer is convicted of the felony, he/she shall be dismissed from the Department immediately.
5. Appeal – An officer may appeal his/her suspension under the preceding sections of this Chapter.
 - a. The officer making an appeal shall provide the Town Council with written notice of his/her appeal within ten (10) days of his/her suspension. That notice shall include a brief statement of the facts leading to his/her arrest.
 - b. The Town Council, at its next regular meeting, shall set a date within thirty (30) days of that meeting, to conduct a hearing on the appeal.
 - c. The appeal will be limited to the question of whether the arrest resulted from actions taken in the line of duty or not, and/or whether the action which resulted in arrest would constitute a felony under the statutes of the State of Indiana. If the Town Council finds that it did, the section of this Regulation dealing with such arrests shall apply.
 - d. If there are mitigating and extenuating circumstances and the felony is not one which is deemed dangerous to the City, the public, or the Police Department, the Town Council may decide to reverse the decision.

Section 2. Preliminary Determination

The Town Marshal shall make the preliminary determination of whether an officer's arrest resulted from action taken in the line of duty.

Section 3. Conviction of a Misdemeanor

If a member is convicted of a misdemeanor, the Town Marshal shall make a determination as to consequences. The Town Marshal will present the Town Manager and Town Board President with a written report as to the facts (as known) and the course of action taken by the Marshal.

At the request of the Town Board President, these facts can be presented to the entire body of the board. A majority vote can up hold the determination by the Marshal or the Town Board can determine discipline with a majority vote.

Section 4. Improper Conduct

No member shall:

1. Attempt to influence any person to a particular course of action because of a member's association with the Department;
2. Publicly criticize the Department, or a member of the Department,

if that criticism is based upon false or inaccurate facts.

Chapter 8

Use of Department Vehicles

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its' Police Officers to demonstrate exemplary driving behavior. All Department personnel who operate police vehicles will comply with the policies and procedures outlined herein.

Section 1. General

Police Officers of the Yorktown Police Department can be provided with a take home vehicle at the discretion of the chief of police. Generally the Officer must reside in Mount Pleasant Township, Delaware County, in order to qualify for this privilege.

No officer shall operate a Departmental vehicle unless he/she has a valid operator's or chauffeur's license.

Officers of the Department assigned to operate a Departmental vehicle shall be held accountable for the proper use and care of the vehicle, and of all accessories, equipment, and tools assigned to such vehicle.

Standard equipment of vehicles shall not be changed, interchanged, altered, or removed from such vehicle unless approved by the Town Marshal.

Section 2. Inspection of Vehicles

Members shall regularly inspect vehicles assigned to them and shall report any defect found verbally and/or in writing to that Officers immediate supervisor. That supervisor will then forward that information to the Chief.

Section 3. Passengers and Ride-a-longs

This applies to riders who are not in custody but passengers who are observing the officer while he is on duty.

Must be 18 years of age and completing an internship or other academic assignment related to an institution of higher education.

Must be at least 16 years of age and have a valid driver's licenses. This should be related to some type of school project or assignment. Must also have approval and signed waiver completed by parent or guardian. Waiver must be signed by the Marshal.

All passengers while participating in a ride-a- long must sign a ride-a-long waiver before being allowed to ride. This must be approved by the Chief or the Shift Sgt. The Chief has the right to deny any rider at anytime.

This does not apply to family members or other passengers whom the Officer is transporting during the regular course of his duty or off duty.

This does not apply to passengers who are in custody or being transported as part of the Officers duty or while giving assistance to the community.

Section 4. Boundaries of Operation

Vehicles should be driven within town limits while on duty during normal patrol.

Vehicles can be used within the state of Indiana to complete an assignment or assist other agencies. This would also include departmental training.

An Officer traveling outside Delaware County will notify his/her immediate supervisor who will pass that information onto the Chief, if he/she is not aware.

Prisoner transport to an adjacent county during the course of an Officer's duty is permitted provided dispatch and any other Officer on duty is made aware of this action.

Any travel made outside the state of Indiana will be approved by the Chief before that is permitted.

The Chief of Police may travel anywhere within the United States of America.

Section 5. Traffic and Parking Regulations

Members shall operate police vehicles within posted speed limits and in obedience to traffic signals and markers except during an emergency run.

Members shall observe all parking regulations. If an emergency requires occupation of a restricted or prohibited area, vehicles shall be parked in such a manner as not to unnecessarily interfere with the movement of traffic. When the emergency has ceased to exist, the area shall be vacated immediately.

Section 6. Assist Other Emergency Vehicles.

Operators of Department vehicles may give traffic assistance to fire department apparatus, ambulances and other life-saving equipment on emergency runs.

Section 7. Police Emergency Runs

Members shall operate police vehicles in response to emergency calls in conformity with Indiana Statute 9-21-1-8.

Section 8. Leaving Vehicle Unattended

Operators should avoid leaving the engine running while the vehicle is unattended, occupied only by a member of the Department who is not a qualified driver, or occupied by non-Departmental persons.

When it is necessary to leave a vehicle unattended and unoccupied, the operator shall, except in an emergency, lock the ignition and doors.

Section 9. Maintenance of Department Vehicles

Maintenance of Department vehicles is the responsibility of the Officer, not including the cost. Routine maintenance can be done by the Officer through the proper channels such as oil changes, tires and breaks. Major and more expensive repairs such as engines and transmissions must be approved by the Chief.

Section 10. Traffic Crashes Involving Department Vehicles

The driver of the Departmental vehicle involved will submit a written supplement to the Chief concerning the crash.

The driver will also provide a statement and any further information to assist in the completion of the crash report to the responding Officer.

The report shall be prepared by a Police Department other than the Yorktown Police Department. Officers involved in a crash will cooperate completely with the crash investigation or risk disciplinary action.

Department Officers involved in accidents while on duty or in Department vehicles can be subject to disciplinary action.

**Chapter 9
Relationship with Criminal Suspects**

No member shall abuse, physically or verbally, a person being detained.

No member shall use more force than is necessary to protect himself/herself and others in accomplishing a legitimate police purpose. (See Chapter 5 – Use of Force)

Members shall promptly take any person in their custody to a competent medical authority whenever there is any visible or reasonable evidence of the need for medical attention or psychiatric examination or where the prisoner claims that he/she is in need of such attention.

Section 1. Collusion – Bond – Attorneys

No member shall:

1. Assist any person to escape arrest or punishment.
2. Assist any person to dispose of stolen property.
3. Accept any fee or gift from any person furnishing bond for an arrested person, nor from any attorney for an arrested person.
4. Suggest the name of any attorney to an arrested person.
5. Influence, in any way, the retaining for a fee of an attorney for any person involved in a criminal prosecution.

**Chapter 10
Relation to the Public**

Section 1. Courtesy

Members shall treat the public with courtesy and respect. When dealing with the public, members shall follow the policies, procedures, rules and regulations of the Department.

Section 2. Appearance

The uniform worn by the Yorktown Police Department is symbolic of the authority vested in the Department and in the officer. It is the most immediately visible representation of the Department's purpose and function. Accordingly, those in uniform as well as those not in uniform will present a regulation, clean and neat public appearance unless otherwise excused or prescribed.

Members shall report for duty clean, neatly dressed, and with equipment in good working order.

Officers who choose to get tattoos, or piercings, will be permitted to have those visible to the public while working as a Yorktown Police Officer, unless they are deemed offensive, inappropriate or unprofessional by the Town Marshal.

If that is the case those body modifications must be removed or covered while working as a Yorktown Police Officer.

Section 3. Requests for Identification

Upon request from any citizen, a member shall give his/her name and unit number in a courteous manner to the citizen.

Section 4. Confidentiality of Records

No member shall make public any record, except public records, of the Department without the express approval of the Town Marshal. Information contained in a member's personnel file shall not be disclosed.

Section 5. Rewards, Gifts, and/or Bribes

- 1. No member shall accept a reward for action or in-action taken as part of his/her duty as a police officer.**
- 2. No member shall accept a bribe or gratuity for permitting an illegal act.**
- 3. No member shall fail to report, in writing, to the Town Marshal, any offer of a bribe or gratuity.**

Section 6. Appearance in Court

- 1. Members shall appear in Court when summoned to do so.**
- 2. When appearing in Court, members shall dress and conduct themselves in the manner prescribed by the Town Marshal.**

Chapter 11 Alcohol, Tobacco, and Other Drugs

Section 1. Drug-Free Workplace Act of 1988

In accordance with the Drug-Free Workplace Act of 1988 and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of the 1990 the City of Yorktown Police Department must maintain a drug-free workplace. Failure to comply with this law could jeopardize government funds this organization receives.

Members of the Department holding safety sensitive positions are subject to random drug and alcohol testing as prescribed by policies and procedures of the Town Council.

Section 2. Tobacco

Officers of the Yorktown Police Department will no longer use any form of a tobacco product while on duty or while wearing the uniform of the Yorktown Police Department.

Smoking is prohibited in any police vehicle by anyone on or off duty. This includes any passengers which may also be riding in the vehicle.

Smoking is also prohibited in the police department and inside any building while training as a Yorktown Police Officer.

Section 3. Alcohol

- 1. On Duty - No member shall drink any alcoholic beverages while on duty, unless otherwise specified in this Chapter.**
- 2. Off Duty - No member shall report for his/her regularly-scheduled tour of duty with the odor of alcohol on his/her breath.**
- 3. Undercover Assignments - Members in undercover assignments may drink alcoholic beverages while on assignment with the permission of the Town Marshal.**

Section 4. Controlled Drug Substances and other Drug Agents

- 1. On Duty - No member shall, while on duty, use any drug agent which impairs his/her judgment or renders him/her incapable of performing his/her duties.**
- 2. Off Duty - No member shall report for duty under the influence of any drug agent which impairs his/her judgment or renders him/her incapable of performing his/her duties.**
- 3. Department Vehicles - No member shall have any illegal drug agent in his/her possession in a Departmental vehicle or on Departmental property unless, the drug has been seized as evidence.**

Chapter 12

Complaints and Investigations Against Department Members

Section 1. Immediate Action

Members of the Department having any complaint against any Department

personnel shall prepare a written report and submit it to the Town Marshal.

The Town Marshal shall take any immediate action as would be appropriate depending upon the nature of the complaint and current Department procedures.

Section 2. False Testimony

No member shall knowingly give false or misleading testimony before a court, grand jury, or governmental or administrative body.

Section 3. Falsifying Departmental Reports

No member shall knowingly include false and/or misleading information in a Departmental report.

Section 4. Cooperation

Each member shall perform the duties of his/her rank in the investigation of complaints and of misconduct against members of the Department. Each member shall cooperate in investigations within the Department.

Section 5. Statement Required of Member

1. In the course of a Departmental investigation a member may be required to give a statement regarding the investigation. Prior to such a statement being taken from a member who is alleged to have violated the rules and regulations of the Department, and who may be subject to disciplinary action, the following warning, or a warning substantially similar, will be read and explained to the member:

I wish to advise you that you are being questioned in connection with an investigation being carried out by the Yorktown Police Department. This investigation relates to your conduct and your fitness to perform your duties as a police officer. You are entitled to all the rights and privileges guaranteed to all citizens by the laws and Constitution of the United States, and the Constitution of the State of Indiana, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to answer questions relating to the performance of your official duties, your refusal may result in disciplinary action by the Department. If you do answer the questions I am about to ask you, I cannot guarantee that either your statements, or any information or evidence which is gathered through their use may not be used against you in any subsequent criminal or civil proceedings. Such statements and evidence may be used against you in connection with the Departmental disciplinary charges.

2. Refusal to answer questions posed during the course of such an examination shall be a basis for disciplinary action.

Section 6. Breath Analyzer Examination

- 1. Any Member who is suspected of drinking intoxicating beverages while on duty or upon report for duty, or against whom a complaint is filed alleging that he/she has been drinking intoxicating beverages while on duty, shall be ordered immediately by the Town Marshal to submit to a breath analyzer test as soon as the Marshal becomes aware of the complaint or realizes that the member may have been drinking.**
- 2. A member who refuses to take a breath analyzer examination is subject to disciplinary action.**
- 3. The breath analyzer examination shall be administered by a qualified breath analyzer operator.**

Chapter 13 Political Activity

Section 1. Statutory Regulation

Indiana Statute (IC 36-8-3-12) allows members of Town police departments to: (1) be candidates for elective office and serve in that office if elected; (2) be appointed to any office and serve in that office if appointed; and (3) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

Section 2. Permissible Political Activity

Members of the Department may participate fully in public affairs to the extent that the participation does not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

No member of the Department will engage in political activity while in uniform or on duty.

Section 3. Impermissible Political Activity

No member shall:

- 1. Attempt to use his/her connection with the Department to affect the result of any election.**
- 2. When in uniform or on duty make public statements regarding a partisan election or candidates involved therein.**
- 3. This action shall not be construed to prohibit a member from engaging in political activity permitted under IC 36-8-3-12, nor from alluding to his/her membership on the Department when a candidate for public office.**

Chapter 14 Labor Activities

Section 1. Police Strike

No member shall engage in a strike. The term “strike” includes, but is not limited to, concerted failure to report for duty, willful absence from one’s assigned duty position, taking unauthorized holidays, and failure to perform each and all of the duties of a member of the Yorktown Police Department for the purpose of inducing a change in employment conditions, compensation, rights, privileges, or obligations, or for the purpose of influencing negotiations on those matters.

Section 2. Police Job Actions

No member shall engage in any other “Job Actions” including, but not limited to such commonly known police action as Blue Flu, Sick-ins, Slowdowns or Speed-ups.

Chapter 15 Physical Condition

All members shall maintain themselves in good physical condition considering the age of the member and any injuries suffered by the member during the course of his/her career.

Members shall maintain their ability to physically perform the essential functions of their assigned positions.

Section 1. Workout Time

Officers are to be given one hour at the beginning or end of each shift, three days a week for physical conditioning.

This will be done in the Town limits of Yorktown and the officer must notify the supervisor or other working officers of his/her location. The Officer will also notify dispatch over the radio of his/her location. Officers will have some means to be contacted during this time.

Workout time maybe cancelled due to number of calls, number of working personnel, or supervisor’s order. Officers cannot workout if that officer is the only officer on duty during that time.

ARTICLE 3 – COMMUNICATIONS & CORRESPONDENCE

Chapter 1

Section 1. Notices

Members of the Department shall not mark, alter or deface any posted notice of the

Department. Notices or announcements posted on Departmental bulletin boards must be law enforcement related or must have permission of a commanding officer. No notices of an inflammatory or derogatory nature shall be posted at any time. Notices shall not be placed anywhere on Department property except on bulletin boards established for such purpose, unless authorized by the Town Marshal.

Section 2. Correspondence

The Department address shall not be used on any motor vehicle registration or operator's or chauffeur's license.

Members of the Department shall not use Departmental letterheads for personal or private correspondence.

Section 3. Telephones

Members of the Department are required to have telephones in the place where they reside. It is the members' responsibility to ensure that this phone number is recorded in the Marshal's office and in the communication center. Changes in telephone numbers shall be reported within 24 hours of such change.

Section 4. Change of Address

Officers are required to report changes in address to the Town Marshal, within 24 hours of such change.

Section 5. Radio Communications

All members operating the police radio either from a mobile or portable unit or in the communication center shall observe regulations and Standard Operating Procedures for such operation as set forth by the Federal Communications Commission.

ARTICLE 4 – PERSONNEL MATTERS

Chapter 1

Equal Employment Opportunity/Affirmative Action

The Town of Yorktown does not discriminate on the basis of race, color, gender, national origin, religion, age, veteran status, or disability in employment or the provision of services.

Chapter 2

Authorized Alien Status and Citizenship

Verification of employment eligibility. All applicants must cooperate with the Town of Yorktown in its compliance with the Immigration Reform and Control Act of 1986.

Applicants who refuse to supply the documentation necessary to prove that they are American Citizens or aliens authorized to work in this country will be dropped from consideration for the position. Department supervisors shall see that appropriate forms are properly completed and retained as required by law.

Chapter 3 Americans with Disabilities Act (ADA)

It is the policy of the Yorktown Police Department that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the Department. It is the policy of the Department not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the Yorktown Police Department to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position.

The Department will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

Accommodations may not create an undue hardship for the Department or other employees.

An employee who cannot be reasonably accommodated for a job, without undue hardship, will not remain with the Department.

All employees are required to comply with safety standards. Those employees who pose a “direct threat” (i.e. significant risk) to the health or safety of self or other individuals in the workplace, which cannot be eliminated by reasonable accommodation, will be placed on appropriate leave or relieved of employment with the Department.

The Town Manager is designated as the Town’s “ADA Coordinator.” All complaints involving ADA related matters shall be directed to the Town Manager.

Chapter 4 Blood Borne Pathogens

The Occupational Safety and Health Administration has determined that certain employees in the workplace face a significant risk to blood borne pathogens due to their job duties. The department has developed a control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain blood borne pathogens such as the Hepatitis virus and HIV. The control plan is available to all Department personnel.

Chapter 5 Appointment to the Department

The minimum requirements for appointment as a regular officer shall be:

- 1. Citizen of the United States.**
- 2. At least 21 years of age.**
- 3. Submission to a background check**
- 4. A high school diploma or GED and at least a two year college degree.**
- 5. Officers shall reside within Delaware County or an adjacent county.**
- 6. Officers must complete the ILEA Basic Class or be terminated.**
- 7. Additional criteria maybe added by the state pension board as a condition of continued employment.**

Chapter 6 Resignations

An officer wishing to resign from the Department shall forward a written resignation to the Town Marshal.

Chapter 7 Change in Personal Status

Members shall be required to notify the Town Marshal and Clerk-Treasurer regarding any change in personal status, including changes in marital status, number of dependents, residence, telephone numbers, and related changes.

Chapter 8 Emergency Service

When a condition exists that is deemed necessary by the Town Marshal, officers may be subject to the following:

- (1) regular tours of duty may be extended; and/or,**
- (2) days off, vacations and leaves of absence of Department personnel may be canceled; unless otherwise protected under Indiana Code.**

Chapter 9 Overtime

Section 1. Computation of Overtime

This section is intended to define the normal hours of work per work period. Nothing contained in this section shall be construed as preventing the Marshal from restructuring the normal work period for the purpose of promoting efficiency, improving services or from establishing the work schedules of officers.

The work period for Police Officers shall be forty (40) hours per week or one-hundred and sixty (160) hours in a defined twenty-eight (28) day period. When time recorded is in excess of forty (40) hours in a work week or one-hundred and sixty (160) hours during the established twenty-eight (28) day work period, officers shall be entitled to compensatory time off. Compensatory time shall be credited at the rate of one hour for each one hour of overtime worked.

Officers should schedule and use comp-time during the pay period following the one in which the comp-time was earned. Compensatory time should not be accumulated by an officer. If the Officer was not able to schedule comp-time during the pay period following the one in which comp-time was earned that Officer will be compensated with overtime pay.

Any exception to this must be granted by the Marshal.

The following applies to compensatory time:

- A. Requests for compensatory time off shall be granted at the Officers immediate supervisor or the Marshal, subject to the operational needs of the Department;
- B. Overtime records must be kept on an approved payroll form;
- C. Compensatory time off requested by an officer which has been approved and scheduled will only be canceled if unanticipated operational needs of the Department require it;
- D. Requests for compensatory time off, to be used in conjunction with vacation, may be honored based on scheduling needs.

Officers are instructed to not begin work before or stay beyond their scheduled work time without the approval of their immediate supervisor. Officers will only be eligible for comp-time or overtime compensation for overtime authorized by the Marshal in accordance with the Department's Personnel Policy Manual and applicable provisions of the FLSA.

1. **COURT TIME:**

In the event an Officer is scheduled to appear in court when not scheduled for regular duty, he/she will receive comp-time or overtime pay for the amount of time spent in court.

An Officer will receive a minimum of three (3) hours of comp-time or overtime pay for a scheduled court appearance.

2. **MANDATORY TRAINING SESSIONS:**

In the event an officer is required to attend a mandatory training session when not scheduled for regular duty, he/she will receive comp-time or overtime pay for the amount of time spent at the training session.

Section 2. Retirement or Termination from Town Employment

Retirement or termination from Town employment with proper notice to the Town Marshal will result in severance which includes earned vacation on a pro-rated basis computed to the last day of active service. Discharge may result in forfeiture of vacation benefits.

**Chapter 10
Military Leave**

Section 1. General

Any officer of the Department who is taken into military service by induction, enlistment, or commission or assigned by the government for war work during a national emergency declared by the President of the United States or during armed hostilities in which the United States is engaged, and who is temporarily absent from the Department, is considered to be a continuing member of the Department on a temporary leave of absence. Records of the department will show the member in this status (I.C. 36-8-5-3a).

Section 2. Returning to Duty

Officers desiring to return to service in the Department shall report to the Town Marshal within sixty (60) days after honorable discharge from military service or government war work. Within fifteen (15) days after the officer reports to the Department, the Officer shall be placed on duty at the rank held at the time of entering military service (I.C. 36-8-5-8a, I.C. 36-8-5-8b).

If a member of the Department is refused proper assignment, he/she may file action in the Delaware County Circuit Court, as prescribed by under I.C. 36-8-3-4 (I.C. 36-8-5-8c).

Section 3. Short-term Military Leaves

Short-term summer leaves and short leaves for specialized training shall be permitted upon the presentation of official orders for personnel in Military Reserve or National Guard. Such leaves shall not be considered part of the officer's annual vacation.

**Chapter 11
Absence Due to Injuries Received While on Duty**

Absence because of injuries while on duty shall be treated individually according to the procedure adopted by the Town Council.

Officers shall submit physician documentation regarding fitness for duty to the Town Marshal. Requests for leave will be forwarded to the Town Council for action.

**Chapter 12
Leaves of Absence (I.C. 36-8-5-2)**

Requests for leaves of absence must be forwarded in writing to the Town Marshal. Officers on leave must submit formal written application for reinstatement. Leaves will be granted only for the most serious reasons, such as leaves in the Department interest, including attendance at police schools, leaves for health reasons.

Chapter 13

Family and Medical Leave

Section 1. Family and Medical Leave Act

Family and Medical Leave Act of 1993 requires employers to provide eligible employees with up to 12 weeks of unpaid leave for their own serious illness, the birth or adoption of a child, or the care of a seriously ill child, spouse or parent.

For an employee to be eligible for medical leave, he/she must have been employed by the Town or the Yorktown Police Department for at least one year and have worked 1,250 hours within the previous 12 month period.

In addition, any employee who completes a period of leave must be returned either to the same position the employee was in prior to the leave, or to a position equivalent in pay, benefits, and other terms and conditions of employment.

Section 2. Request for Leave

1. When an employee plans to take Family or Medical Leave under the Act, the employee is required to give the Department 30 days written notice or, if this is not possible, as much notice as is practical. An employee undergoing planned treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to Department operations.
2. All requests for leave of absence must be submitted, in writing, to the Town Marshal.
3. The Department may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work. The Department will consider an employee's failure to report to work at the end of the leave period as an employee's resignation.

Section 3. Medical Examination

1. The Department may require medical certification to support a claim for leave for employee's serious illness or the serious illness of a child, spouse, or parent. For an employee's own medical leave, the certification must include a statement that the employee is unable to perform the essential functions of his/her position.
2. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of the employee's time that will be needed to care for the child, spouse, or parent.
3. The Department reserves the right to require a second medical opinion from an

Independent medical provider. The Department must pay for the second opinion and must designate a provider who is not an employee of the City of Yorktown. If the two opinions conflict, the Department must pay for a third opinion. The opinion of the third provider is final and binding on both the Department and the Employee.

Section 4. Other Criteria

The Family and Medical Leave Act of 1993 shall be governed by the provisions of this policy.

- 1. The Department reserves the right to require that all accrued sick leave and vacation leave be applied to maternity leave for pay purposes.**
- 2. The Department requires use of paid sick time during the leave period.**
- 3. Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will not be affected by the taking of family or medical leave.**

**Chapter 14
Absence from Duty Without Report**

Every officer or civilian who fails to appear for duty at the date, time and place specified for, or doing so without the consent of proper authority is “absent without leave”.

**Chapter 15
Compensation for Damages**

Officers and civilians shall not seek in anyway nor shall they accept from any person money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Town Marshal in writing of such action and receiving written approval.

Officers and civilians who have received regular sick leave or injured off-duty salary for illness or injury sustained off-duty shall notify the Town Marshal in writing of any intent to seek, sue, solicit or accept compensation as damages for such illness or injury. This notice shall be filed before any action is taken and shall include the facts of the claim and the name of the responsible.

**Chapter 16
Civil Actions Against Members**

Officers and civilians served with notices that they are being sued as a result of actions performed in the line of duty shall immediately notify in writing the Town Marshal through the chain of command. Such report shall include all the facts of the incident and details related to the civil suit.

Chapter 17 Other Employment

Section 1. Duty Time

No member shall engage in any employment other than his/her employment as a police officer during the time he/she is on duty.

Section 2. Called to Duty by Marshal

Members shall return to duty immediately if called to duty by the Town Marshal or the command duty officer.

Section 3. Outside Employment -“Moonlighting”

Section 4. Outside Employment

The nature of the law enforcement task requires Department employees to have the ability to work irregular duty schedules, which are subject to change, in meeting employment needs. Additionally, it is necessary that an employee have adequate rest to be alert during his/her tour of duty.

For these reasons and because certain occupations inherently conflict with an employee’s primary responsibility to the Department, the Department may impose conditions on outside employment or may prohibit it altogether. The degree of limitation will be based upon furthering professionalism, protecting the reputation of the employee and the Department, and ensuring that the Department receives full and faithful service in return for its expenditure of resources.

Officers of the Yorktown Police Department understand that employment with this Police Department is their number one priority, responsibility and supersedes any other employment commitments.

Members may engage in employment outside the Police Department. No member, however, shall engage in employment other than his/her employment with the Department to the extent that this other employment interferes with the conduct of his/her duties as a member of the Department.

The Town Marshal will be notified of any and all other places of employment by an Officer, and must approve any and all other places of employment.

Failure to comply with this directive will result in disciplinary action.

Section 5. Place of Work

No member shall knowingly work in a place where a statute of the State of Indiana or an ordinance of the Town of Yorktown is regularly violated.

ARTICLE 5 – DEPARTMENT UNIFORM AND EQUIPMENT

Chapter 1

Official Uniform and Specifications

Section 1. Regulation Uniform

All officers of the Department, except those so designated by the Town Marshal and those personnel whose duties require the wearing of a specified uniform, shall own and maintain in good order a regulation uniform. All articles of uniform shall conform to the uniform specifications of the Yorktown Police Department. The uniform shall be subject to inspection and approval of the Town Marshal and the officer's commanding officer and supervisor.

Section 2. Body Armor

Body armor (vest) is considered part of the uniform and will be worn by all officers while on duty. This does not include plain clothes assignments where the Officer believes that wearing the vest may compromise his status. This decision must be approved, if possible by the Town Marshal.

The Town Marshal is exempt from this rule and may wear body armor at his discretion.

Section 3. Off-duty

Members of the Department shall not wear the Department uniform or any part thereof while off-duty, except when traveling to and from work or on Department assignment, unless otherwise authorized by the Town Marshal, or while working an off duty job, as approved by the Town Marshal.

Section 4. Court, Inquest, and Other Hearings

Unless otherwise directed, Departmental uniform, or business professional attire, shall be worn by persons when in attendance at court, inquest, and other hearings; and while engaging in other official police business.

Section 5. Maintenance of Uniform

Uniform shall be kept neat, clean, and well pressed at all times. While wearing the uniform, officers shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling and hands-in-the pockets.

Section 6. During Periods of Suspension

During a period of suspension an officer of the Department shall not wear the official uniform either in whole or in part.

Chapter 2

Civilian Dress

Officers and civilians permitted to wear civilian clothing during a tour of duty shall conform to standards of cleanliness, neatness, style and modesty normally observed by office personnel in private business firms, unless otherwise directed.

Chapter 3 Changes in Uniform and Equipment

The Town Marshal may specify changes in an officer's equipment and uniform consistent with Departmental orders or specific police needs.

Section 1. New Equipment

Any new equipment which may be used by Officers during the course of their duties while acting as a Yorktown Police Officer must have it approved by the Town Marshal.

Section 2. Training on New Equipment

There are some pieces or tools of policing which require some amount of training before that tool can be used by an Officer.

The Town Marshal or Training Supervisor will determine if a piece of equipment will require such training.

Any written materials pertaining to the training of such equipment will be placed in the Attachment section of this manual.

Chapter 4 Personal Business Cards

Official officer identification cards issued by the Department shall be used solely for identification purposes. Personal business cards can be used by officers, but shall not be used as official identification.

Chapter 5 Uniform Allowances

Members receive an annual clothing allowance to maintain the condition of uniforms, in an amount specified in the annual Department budget. Members agree to use this stipend to maintain their uniforms and personal appearance in good condition befitting their status as police officers and public servants.

Chapter 6 Lost or Damaged Departmental Property

Section 1. Responsibility

Members of the Department are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property and equipment may subject the responsible person to reimbursement charges and appropriate disciplinary action at the discretion of the Town Marshal.

Section 2. Reporting

Members of the Department shall immediately report to the Town Marshal using a supplement form any loss of or damage to Departmental property assigned to or used by them.

In the event that Department property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property was responsible.

Section 3. Surrender of Department Property

Upon separation from service, all members of the Department are required to surrender the Department weapons in their possession. Failure to return a non-expendable item shall require the individual to reimburse the Department for the fair market value of the weapon(s).

Upon retirement from the Department, the officer shall be allowed to retain his/her issued Department weapon, badge, name plate, and/or other various items that have been approved by the Town Marshal.

Section 4. Department Building

Members of the Department shall not mar, mark or deface any surface in the Department building. No material shall be affixed in any way to any wall in the Department building without specific authorization from the Town Marshal.

TITLE III

COMPLAINTS AND DISCIPLINARY ACTIONS

ARTICLE 1 – GENERAL

Section 1. Purpose

The purpose of this Title III is to establish disciplinary action for violations of the Yorktown Police Department policies, procedures, rules, regulations, general orders, special orders, and directives.

It is important that the public have confidence in the Department's ability to investigate and properly adjudicate complaints against its members. The Department accepts complaints against its members and fully investigates all such complaints when it is warranted.

The faith and trust of employees as well as that of the public must be preserved. Any investigation arising from a complaint must be conducted in an open and impartial manner with truth as the primary objective.

Section 2. Establishment of a Discipline Penalty Schedule

In order to ensure that disciplinary action is fair, consistent and uniformly applied to each and every member of the Department, a Discipline Penalty Schedule is established herein.

Violations of the Yorktown Police Department Manual not covered in the Discipline Penalty Schedule will be handled on an individual basis, with the penalty assessment for the violation generally consistent with those for similar violations as listed in the Discipline Penalty Schedule.

Section 3. Discipline by the Town Marshal

The Town of Yorktown provides that the Town Marshal may punish a police officer by demotion, reprimand, forfeiture, or suspension with or without pay under the following conditions:

1. Conviction of any criminal offense in court;
2. The finding of any officer guilty of a breach of conduct or Departmental policies including, but not limited to:
 - A. neglect of duty;
 - B. violation of rules of the Yorktown Police Department;
 - C. neglect or disobedience of orders (insubordination);
 - D. continuing incapacity (fitness for duty);
 - E. absence without leave;

- F. immoral conduct;**
- G. conduct injurious to the public peace or welfare;**
- H. conduct unbecoming of a member of the Yorktown Police Department;**
- I. any other breach of conduct or policy.**

The Town Marshal, without filing charges with the Yorktown Town Manager and Council may suspend with or without pay for a period of one (1) day not to exceed ten (10) days per occurrence or thirty (30) days within a twelve (12) month period, any member of the Town Police Department for infractions of the Yorktown Police Department Manual and/or the Rules and Regulations of the Town of Yorktown. The Town Marshal shall notify the Town Manager and Council in writing of the suspension within seventy-two hours (72) of issuance.

The Town Marshal may take the following disciplinary measures for infractions of the Yorktown Police Department Manual and/or the Rules and Regulations of the Town of Yorktown:

- (1) Reprimand a member orally;**
- (2) Reprimand a member in writing;**
- (3) Reassign job functions.**

Section 4. Discipline by the Town Council

Charges against any member of the Yorktown Police Department may be filed by the Town Marshal or Town Council, upon completion of an internal investigation, for an alleged breach of conduct. Charges include any civilian complaint of an alleged breach of conduct.

Before a member of the Department may be suspended in excess of ten (10) days, demoted (exception is the rank of Captain. That is done by order of the Marshal at any time), or dismissed, the Town Council shall offer the member an opportunity for a hearing, if requested by the member. If a hearing is to be held, a written notice shall be given either by service upon the member in person or by a copy left at his/her last and usual place of residence. The notice will state:

- (1) the time and place of the hearing;**
- (2) the charges against the member;**
- (3) the specific conduct that comprises the charges;**
- (4) that the member is entitled to be represented by counsel;**
- (5) that the member is entitled to call and cross-examine witnesses;**
- (6) that the member is entitled to require the production of evidence; and**
- (7) that the member is entitled to have subpoenas issued, served and executed in the County where the unit is located.**

The reasons for the suspension, demotion, or dismissal of a member of the Yorktown Police Department shall be entered as specific findings of fact upon the records of the Town Council.

A member who is suspended for a period exceeding ten (10) days, demoted (Captains rank is not included), or dismissed may appeal the decision to the circuit or superior court of Delaware County. However, a member may not appeal any other decision. The appeal must be filed within

thirty (30) days after the date the decision is rendered.

A member may choose to accept the action taken by the Town Council, at which time he/she shall be required to sign the proper documentation. The member shall then lose any right to appeal.

ARTICLE 2 – COMPLAINT PROCEDURE

Any officer, regardless of rank, may use the complaint process to allege the violation of the Yorktown Police Department Manual. A Police Officer may institute a proceeding, by filing a written complaint with the Town Marshal. Upon receipt of a written complaint against an officer of this Department, the following procedure will be followed:

1. The Town Marshal shall investigate the complaint and take necessary action. If warranted, the Town Marshal shall refer written complaints to the Town Manager.
2. The Town Manager shall investigate all written complaints referred by the Town Marshal.
3. A written report from the Town Manager of the investigation and any recommendations will be filed with the Town Marshal.
4. The Town Marshal may then determine any disciplinary action which needs to be taken or refer cases to the Town Council.
5. The said member for which the complaint has been filed against shall be notified in writing of the complaint and the disciplinary action taken.
6. The Town Manager reserves the right to review disciplinary actions taken by the Town Marshal.

ARTICLE 3 – DISCIPLINARY GUIDELINES

Section 1. Effect of Article

1. The list of suggested penalties set out in this Article is intended to guide the Town Marshal in administering fair and uniform penalties for violations of the rules and regulations of the Department.
2. Penalties recommended by the Town Marshal for offenses listed shall be within the prescribed limits. The list of suggested penalties shall in no way limit any penalty which the Town Marshal or the Town Council may impose.

Section 2. Offenses not Listed

Offenses not included in the following list shall result in penalties similar to those specified for listed offenses of compatible seriousness.

Section 3. Reckoning Periods

1. The term “reckoning period” as used in this Article is a specified period of time during which an employee is expected to have a record free of any offense of a type similar to one of which he/she was previously found guilty.
2. Reckoning periods shall be computed from the date of the first offense of a given type was committed. Second, third, and subsequent violations of the same rule or regulation committed during the reckoning period shall be treated as second, third, etc..., violations. The same type of offense committed after the reckoning period Expires counts as a first offense.

Section 4. Repeated Violations

Repeated violations of the policies, procedures, rules and regulations outlined in this manual or other conduct indicating that a member has little or no regard for the obligations of members of the Department, shall be grounds for discipline regardless of the severity of the offenses, any reckoning period, and whether the violations committed are of the same type.

ARTICLE 4 – DISCIPLINE PENALTY SCHEDULE

Section 1. Infractions

Class A	180 Days to Termination
Class B	1st Offense 30 Days to 180 Days 2nd Offense 180 Days to Termination
Class C	1st Offense 11 Days to 30 Days 2nd Offense 30 Days to 180 Days 3rd Offense 180 Days to Termination
Class D	1st Offense 5 Days to 10 Days 2nd Offense 11 Days to 30 Days 3rd Offense 30 Days to 180 Days 4th Offense Class A – 1st Offense
Class E	1st Offense 1 Day to 5 Days 2nd Offense 5 Days to 10 Days 3rd Offense 11 Days to 30 Days 4th Offense Class B – 1st Offense
Class F	1st Offense Written Reprimand 2nd Offense 1 Day to 5 Days 3rd Offense 5 Days to 10 Days 4th Offense Class C – 1st Offense

Class G	1st Offense	Written Warning
	2nd Offense	Written Reprimand
	3rd Offense	1 Day to 5 Days
	4th Offense	Class D – 1st Offense

Section 2. Oral Warnings

Nothing in the above schedule shall prohibit the Town Marshal from issuing an oral warning to an officer, and said oral warning shall not be recorded.

Section 3. Written Warnings

Written warnings shall be made by the Town Marshal and signed by the officer in question. This letter will then be placed in the officer’s personnel file. A copy will be furnished to the officer.

Section 4. Written Reprimand

Written reprimand shall be made by the Town Marshal and signed by the officer in question. This letter of “Written Reprimand”, will be placed in the officer’s personnel file. A copy will be furnished to the officer.

Section 5. Suspensions

Suspensions shall be made by the Town Marshal and/or Town Council in the form of a written report and signed by the officer in question. This written report will be placed in the officer’s personnel file. A copy will be furnished to the officer.

Suspensions for any period shall remain a part of the officer’s permanent record. All suspensions shall be for working days only, use of overtime, vacation, or holidays in lieu of suspension will not be allowed.

Section 6. Termination

Terminations shall be made by the Town Marshal and/or Town Council in the form of a written report and signed by the officer in question. This, “Letter of Termination”, will be placed in the officer’s personnel file. A copy will be furnished to the officer. A terminated officer will receive his/her final pay and accrued, vested benefits in accordance with applicable state law.

SCHEDULE 1 – NEGLECT OF DUTY

Rule 1. Alertness on Duty – Class E

Officers shall, at all time, when on duty, remain awake, alert, and use reasonable diligence in preventing crime, detecting criminal violations protecting property, making apprehensions of persons committing crimes in their presence, and those persons whom they have reasonable cause to believe have committed an offense.

- Rule 2. Reporting Criminal Violation by Police Officers – Class E**
- Officers shall report, personally, to the Town Marshal criminal violations of the Town, State or Federal laws committed by a fellow officer.**
- Rule 3. Submission of Reports – Class F**
- Officers shall be required to submit all written and oral reports as required by the Yorktown Police Department Manual within a reasonable time, when ordered to do so by the Town Marshal.**
- Rule 4. Personal Business – Class F**
- Officers shall not conduct personal business while on duty which may interfere with the proper performance of their police duties.**
- Rule 5. Guarding Prisoners at Hospitals – Class E**
- When guarding prisoner(s) at a hospital, no officer will leave the prisoner unless properly relieved by another officer. Visitors shall be requested to be searched before entering to see a prisoner.**
- Rule 6. Subpoenas – Class F**
- It shall be the duty of officers subpoenaed into Court to be present at the date and time specified on the subpoena, unless other lawful arrangements are made by the officer.**
- Rule 7. Supervision – Class E**
- All officers holding rank in a supervisory position shall, at all times, properly supervise, evaluate, and control their subordinates.**
- Rule 8. Back-up and Assistance – Class C**
- Any officer who fails to render necessary and proper assistance to a fellow officer when needed shall be considered to be neglecting his/her duty.**
- Rule 9. Abuse of Town Property- Class E**
- Officers shall not abuse, damage, or destroy any equipment or property of the Town of Yorktown through intention or negligence. Officers shall be responsible for the proper care of Town property, whether fixed or movable, and shall promptly report the loss of, the damage to or the unserviceable condition of such property. Such reports will be made to the Town Marshal.**
- Rule 10. Divulgence of Name and Unit Number – Class G**
- Officers shall give their name and unit number to any person when requested**

to do so, in a courteous manner. This shall not be done when it would breach the police security or limit an investigation.

Rule 11. Confiscated Property – Class E

Officers who confiscate any property, evidence, contraband or stolen property shall tag or label the articles and secure them in the property locker or property room.

Rule 12. Person Taken into Custody – Class E

Whenever any officer shall take any person into custody, he/she shall immediately search the person and seize all property found among his/her personal possessions which might consist of weapons, evidence, contraband, or other articles permitted to be seized under Indiana and Federal Laws.

Rule 13. Bribery – Class F

Any attempt to bribe an officer shall be reported to the Town Marshal. Failure to do so will constitute a violation of this rule.

Rule 14. Storage of Town Owned Equipment – Class G

When Town owned equipment is left any place that is not a normal storage area for that equipment, officers responsible for leaving that equipment shall submit a report stating the location, item, quantity, and the reasons for leaving such equipment. Such a report shall not be necessary if the equipment is recovered by the officers before the end of their tour of duty.

Rule 15. Names and Unit Numbers – Class G

All reports submitted by police officers shall contain the name and personal employment number of the officer filling out the report.

Rule 16. Hospital Treatment of Arrestee – Class G

If a subject is taken to the hospital and refuses to be treated or checked, emergency room verification of action taken shall be given to the personnel at the jail. Notation of hospital action shall be entered on the proper report.

SCHEDULE 2 – VIOLATION OF THE YORKTOWN POLICE DEPARTMENT MANUAL

Rule 1. Outside Employment – Class F

Any Officer engaging in regular outside employment shall submit in writing to

The Town Marshal his/her exact location, hours to be worked, and the current telephone number at the location for the purpose of availability for emergency duty. Any officer employed in a police capacity shall at all times be governed by the Yorktown Police Department Manual.

Rule 2. Appropriate Communications – Class F

All officers, regardless of rank or assignment, shall maintain appropriate communication with the dispatch at all times.

Rule 3. Public Statements – Class D

No officer shall communicate to any person not entitled thereto, nor make any public statements concerning any department, law enforcement activity, case, or any proposed action by the Yorktown Police Department unless such communication is authorized by the Town Marshal.

Rule 4. Gratuities – Class B

Officers shall not accept gifts or gratuities of any kind or type from persons arrested and in custody, or from persons on behalf of an arrestee.

Rule 5. Limits of Patrol – Class F

No officer shall patrol outside the Mt. Pleasant Township limits except in immediate or fresh pursuit of a violator, transport, court duty, official business, in emergency investigations or other circumstances authorized by the Town Marshal.

Rule 6. Use of Tobacco – Class G

Officers of the Yorktown Police Department will no longer use any form of a tobacco product while on duty or while wearing the uniform of the Yorktown Police Department.

The use of tobacco is prohibited in any police vehicle by anyone on or off duty. This includes any passengers which may also be riding in the vehicle.

Tobacco use is also prohibited in the police department and inside any building while training as a Yorktown Police Officer.

Rule 7. Telephone/Pagers – Class G

Officers shall have and maintain telephones at in their residence, and shall immediately report any changes of telephone numbers or addresses to the Town Marshal.

Rule 8. False Reports – Class B

No officer shall knowingly make a false report to the Department nor shall

he/she knowingly enter or cause to be entered in any Departmental books, records, or reports any inaccurate, false, or improper information. No officer shall knowingly withhold information from the Yorktown Police Department, Prosecutor, or any court in which the officer is a witness.

Rule 9. Revealing Information – Class E

No officer shall reveal any information from any part of the Police Department to anyone not authorized to receive such information.

Records checks shall not be given to any law enforcement officer for the purpose of employment check by a private firm.

Only the Town Marshal will be permitted to supply records for employment and then only after having received a signed waiver from the individual under question.

Rule 10. Purchases and Disbursements – Class F

Requisitions for any and all monies or expenditures from the Police Department Budget must have approval prior to purchase or disbursement from the Town Marshal. If a purchase is made without such approval, the officer making the purchase of item or items may be held responsible for payment of the purchase.

Rule 11. Radio Traffic – Class G

All police personnel shall refrain from unnecessary radio traffic. All radio communications shall be conducted in a professional manner.

Rule 12. Railroad Policy – Class G

In any police action which occurs on railroad property, the officers involved shall notify the railroad police via the dispatcher.

SCHEDULE 3 – NEGLECT OR DISOBEDIENCE OF ORDERS (INSUBORDINATION)

Rule 1. Obedience of Lawful Orders – Class E

All officers of the Yorktown Police Department shall obey such orders, directives, and instructions of the Town Marshal or Supervisory Officers.

Rule 2. Emergency Duty – Class E

All officers shall be available for emergency duty on notice by the Town Marshal or his/her duly authorized representative. Failure or refusal to respond to emergency duty shall be considered disobedient of orders.

Rule 3. Change of Orders – Class F

All officers shall obey the orders of their immediate supervisor or Town Marshal. When an officer is acting under the orders of a Supervisory Officer and is then given an order by another Supervisory Officer, he/she shall immediately report the first order to the second Supervisory Officer and then abide by the decision of the last Supervisory Officer.

Rule 4. Training – Class F

Officers shall attend any seminars, law enforcement courses, or training session prescribed by the Department to which they are assigned.

Rule 5. Response to Dispatchers – Class G

All officers shall respond immediately to a call from the dispatcher by giving their unit number. In an emergency or serious situation an officer may change his/her assignment with the knowledge of the dispatcher.

Rule 6. Senior Officer at Scene – Class F

In all police actions, the ranking officer present shall assume overall responsibility for the scene; he/she shall, however, render all assistance necessary or as requested to the officer(s) assigned to investigate the incident.

SCHEDULE 4 – INCAPACITY (FITNESS FOR DUTY)

Fitness for duty shall include but not be limited to the following:

Rule 1. Physical/Mental Condition – Class G

Every officer shall maintain good physical and mental condition at all times. In the event of the failure of the officer to perform his/her assigned duties, the Town Marshal may order the officer to take appropriate tests to determine the officer's fitness for duty.

Rule 2. Drinking on Duty – Class D

Officers shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper specific orders from the Town Marshal. Officers shall not drive Department vehicles after consuming alcoholic beverages.

Rule 3. Intoxicants (Appearance for Duty) – Classes E & G

Class E

No officer shall appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever. Any officer suspected of consuming or under the influence of intoxicating beverages or drugs shall submit to a breath and/or blood test.

Class G

No officer shall appear for duty or be on duty with an odor of intoxicants on his/her breath.

Rule 4. Possession and Use of Drugs on Duty – Class A

Officers while on or off duty shall not possess or use any controlled substances, narcotics or hallucinogens except when prescribed in the treatment of officers by a physician.

Any controlled substance shall not be used while on duty that causes any impairment to the officers senses and/or judgement.

SCHEDULE 5 – ABSENCE WITHOUT LEAVE

Rule 1. Absence without Leave – Class E

Each officer shall report for assigned duty. Failure to report for assigned duty shall constitute the violation of Absent Without Leave.

Rule 2. Reporting Late for Duty – Class G

Each officer shall report punctually for assigned duty unless granted prior permission from the Town Marshal to be absent, or due to illness or injury, or due to circumstances beyond the control of the officer. Immediate notice to the Department is mandatory under the latter circumstances.

Rule 3. Violation of Sick Leave – Class F

It shall be the responsibility of each individual officer to contact the Yorktown Police Department prior to his/her assigned duty time notifying them of his/her illness.

Rule 4. Reporting Late – Class G

Any officer who knows in advance that he/she will be late is required to call in. Under such circumstances, the officer will be charged only the amount of time that he/she is actually late.

SCHEDULE 6 – CONDUCT INJURIOUS TO THE PUBLIC

PEACE/WELFARE

Rule 1. Strike Duty – Class F

Officers assigned to strike duty shall avoid any public expression regarding the strike, the issues involved, the parties involved, or other individuals except as required to perform their assigned duties.

Rule 2. Emergency Runs – Class F

Officers of the Yorktown Police Department shall adhere to the Yorktown Police Department Emergency Response Policy. When dispatched on an emergency run, officers shall not progress at excessive speeds. On emergency runs, officers shall get to the scene of the emergency as quickly and safely as possible. No emergency run shall be made unless both the red light and siren are in use; unless another policy dictates, such as silent response.

Rule 3. Pursuit Policy – Class F

Officers of the Yorktown Police Department shall adhere to the Yorktown Police Department Pursuit Policy.

Rule 4. Training Drill – Class F

No police officer will engage in any police related type of training drills or exercises involving the members of the general public without the approval of the Town Marshal.

SCHEDULE 7 – CONDUCT UNBECOMING OF A POLICE OFFICER

Rule 1. Improper Conduct – Class G

All officers shall not exhibit the following conduct while on or off duty:

- a. Unwarranted discourteous treatment of a citizen or fellow police officer.**
- b. Repeating falsehoods concerning the Police Department or holding the Police Department up to ridicule.**
- c. Any other act or conduct which is unethical, or tends to demean, debase, ridicule, disgrace, or degrade any officer or the Yorktown Police Department or otherwise create disrespect for law and order.**

Rule 2. Prisoner Mistreatment – Class E

No officer shall at any time mistreat a prisoner while making an arrest or while a prisoner is in his/her custody. The officer shall use only reasonable force in effecting the arrest or restraining the person already in his/her custody.

Rule 3. Physical Altercation – Class D

Officers while on duty shall not physically touch, shove, strike or engage in any physical altercation, directly or indirectly, with any officer of the Yorktown Police Department while that officer is on duty. Unless this action is taken to prevent a crime.

Serious Violations – Class A

SCHEDULE 8 – BREACH OF DISCIPLINE

Rule 1. Inquiries through the Chain of Command

Officers inquiring about the issues within the Yorktown Police Department shall do so through the Chain of Command. No Supervisory Officer shall deny permission for an officer to continue through the Chain of Command.

Rule 2. Public Speaking – Class G

No speeches on subjects concerning the Police Department shall be made without the authorization of the Town Marshal.

TITLE IV
OPERATING PROCEDURES
YORKTOWN POLICE DEPARTMENT
USE OF FORCE / DEADLY FORCE

Section 1. General

In a complex urban society, officers are often confronted with situations where control must be exercised to affect arrests and to protect the public safety. Control may be achieved through advice, warning, and persuasion, or by the use of physical force. Officers are permitted to use whatever force that is reasonable and necessary to protect others or themselves from bodily harm.

The purpose of this policy is to provide police officers with guidelines on the use of deadly and non-deadly force.

Investing police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this Department that police officers shall use only that force which is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another.

A member may use force, including deadly force, when legally justified and/or when all other reasonable means and methods of accomplishing a lawful police purpose have failed. Definitions:

- A. *Deadly force*: Any use of force that is likely to cause death or serious bodily harm.
- B. *Non-deadly force*: Any use of force other than that which is considered deadly force.

Section 2. Non-Deadly Force

A member is legally justified in using reasonable non-deadly force to effect the arrest of a misdemeanor. Deadly force may not be used to effect the arrest of a misdemeanor.

A. Use of Non-Deadly Force:

- 1. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- 2. Police officers are authorized to use department-approved non-deadly force techniques and issued equipment for resolution of incidents, as follows:

- a.) To protect themselves or another from physical harm; or
- b.) To restrain or subdue a resistant individual; or
- c.) To bring an unlawful situation safely and effectively under control.

Section 3. Deadly Force

The value of human life is immeasurable in our society. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must at all times be subservient to the protection of life.

The officer's responsibility for protecting life must include his/her own. An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes to be an immediate threat of death or critical bodily harm.

An officer may use deadly force to effect the capture or prevent the escape of a person if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

Members of the Yorktown Police Department shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act.

A. Use of Deadly Force:

1. When necessary in the defense of a member's own life, when all other reasonable available means have failed, or when the member reasonably believes that no other reasonable means can possibly succeed;
2. When necessary in the defense of another person's life, when all other reasonable available means have failed, or when the member reasonably believes that no other reasonable means can possibly succeed;
3. When necessary to prevent the escape of a felony suspect whom the member has probable cause to believe poses a significant threat of serious physical harm, whether to the officer or to others.

Thus, if the suspect threatens the member with a weapon or there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.

Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend the suspect does not justify the potentially dangerous conditions created through the use of deadly force.

An officer may not seize an unarmed, non-dangerous suspect by shooting him/her.

4. Before using a firearm, police officers shall identify themselves and state their intent to shoot, where feasible.

No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat shall be the policy guideline for employing deadly force.

A police officer is not justified in using his/her firearm to fire a warning shot.

Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured.

Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force of any means including his/her vehicle.

Section 4. Discharge of a Weapon – No Death or Bodily Injury

1. Whenever a member, while on-duty, discharges his/her firearm, whether accidentally or purposely (except at a firing range) he/she shall submit a detailed verbal report immediately to the Town Marshal stating the circumstances and reason for such action, and then the Officer shall complete a detailed written report on all of the circumstances and events.

2. The Marshal shall review the reports of firearms discharged and may take whatever action he/she deems necessary according to the circumstances.

3. All discharges of firearms by Officers while on duty (Not during training) shall be investigated to determine if the discharge is within the law and department policy. The Officer's supervisor, or another Officer appointed by the Marshal, shall prepare a detailed investigation report for the Marshal to review.

Section 5. Discharge of a Weapon – Deaths or Bodily Injury

1. **Procedure.** Whenever a person is killed or injured by any member of the department on or off duty, the Town Marshal (or the highest available ranking officer, in his/her absence) will contact either the Delaware County Sheriff's Department, Muncie Police Department, or the Indiana State Police to conduct an investigation of the incident. Moreover, the Town Marshal or his/her designee will conduct an internal investigation and determine whether the officer involved is to be:

- a. Maintained in his/her present duty assignment;
- b. Reassigned to other duties within the Department;
- c. Relieved of duty with pay; or
- d. Suspended without pay; or,
- e. Arrested.

2. **Duration.** Reassignment or relief from duty with pay may be until further notice from the Marshal.

3. **Council.** The Town Council reserves the right to review all cases which result in death or injury when it deems it advisable to do so in the public interest.

Section 6. Shots to destroy animals.

The killing of an animal is justified in regards to the following situations:

1. Self-defense.
2. To prevent substantial harm to the officer of another.
3. If the animal is so badly injured that humanity requires its relief from further suffering.

Section 7. Reporting Uses of Force:

1. A written report prepared according to Departmental procedures will be required in the following situations:
 - a.) When a firearm is discharged outside of the firing range.
 - b.) When use of force results in death or injury.
 - c.) When a use of force results in death or serious injury.
 - d.) When a subject complains that an injury has been inflicted.

Section 8. Departmental Response:

1. Deadly force incident
 - a.) All reported uses of force will be reviewed by the Town Marshal to determine whether:
 - (1) Departmental rules, policy or Procedures were violated;
 - (2) The relevant policy was clearly understandable and effective to cover the situation;
 - (3) Department training is currently adequate.

All findings of policy violations or training inadequacies shall be reported to the Town Marshal for resolution and/or discipline.

All use of force incident reports shall be retained as required by state law.

There will be a regular review of use of force incidents by the Town Marshal to ascertain training and policy needs.

OFF-DUTY POWERS OF ARREST

I. PURPOSE

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for effecting an off-duty arrest.

II. POLICY

Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, and confusion for

those on-duty officers arriving at the scene trying to correctly assess the facts. In order to promote safety and the most efficient operations, it is the policy of this Police Department to determine and regulate those situations and locations which a sworn member is permitted to make an arrest while off-duty.

IV. PROCEDURES

- A. ***Liability Protection:*** The police officers of the Police Department have liability protection for the on and off-duty performance of official duties. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with law, or the established policies and customs of this Department. Also, this protection does not cover outside security employment.
- B. ***Permitted Off-Duty Arrests:*** When off-duty and within the legal jurisdiction of this Police Department, a police officer may make an arrest only when:
1. There is an *immediate need* for the prevention of a crime or apprehension of a suspect; and
 2. The crime would be charged as a jailable offense requiring a full custodial arrest; and
 3. The arresting officer is in possession of appropriate police identification.
- C. ***Off-Duty Responsibilities:***
2. Except as allowed by this policy, off-duty officers should not enforce summary offenses or minor violations such as harassment, disorderly conduct or other quality-of-life offenses. On-duty personnel shall be contacted to respond to the situation where an off-duty officer becomes aware of such violations.
 3. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.
- D. ***Prohibited Off-Duty Arrests:*** Police officers of this Police Department may not make an arrest off-duty:
1. When engaged in off-duty employment of a non-police nature, and officer's actions are only in furtherance of the interest of the private employer.
 2. When the arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer should not enforce minor traffic regulations.

RESPONSE TO LITIGATION

I. PURPOSE

The purpose of this policy is to provide employees with the guidelines for responding to those types of law enforcement activities that represent a potentially high risk of civil liability in a manner that will decrease this risk level, and for responding to civil litigation that involves the Department, or employees who will be represented by the Department.

II. POLICY

Litigation alleging misconduct by police officers has increased dramatically in recent years. These cases involve complex issues based on evidence that has traditionally been considered confidential internal information.

While such litigation can be extremely expensive and harmful to the reputation of the Department, it can also serve to clarify issues and ultimately provide better service.

In order to be adequately prepared for such litigation, it shall be the policy of this Department to maintain a strong and coordinated response, and to reduce future litigation through increased training and education.

III. DEFINITIONS

- A. *Department Legal Counsel*: Any licensed attorney hired by the governmental unit under which the Department operates for the purpose of rendering legal advice or other legal services to the Department.
- B. *Discovery*: The judicial process for compelling production of written records or other evidence for use in litigation.
- C. *In-Camera Inspection*: Judicial inspection of allegedly privileged information to determine whether the need to present such information as part of the essential proof of the case outweighs the interest in maintaining its confidentiality.

IV. PROCEDURES

A. *High Risk Incidents*

- 1. It has been determined that the following types of law enforcement activities generate the major amount of civil litigation; therefore, these events merit special procedures:
 - a.) Uses of deadly and non-deadly force that result in death or bodily injury.
 - b.) Vehicular pursuit resulting in personal injury or property damage.
 - c.) Searches and seizures; physical arrests.
 - d.) Failure to take law enforcement action.

- e.) **Rendering of medical assistance.**
- 2. **All personnel shall regularly review Department policy on these topics.**

B. Response to High Risk Incidents

- 1. **Police officers shall adhere to the following procedures when on the scene of a high risk incident:**
 - a.) **Secure the scene and all evidence.**
 - b.) **Record the names and addresses of all witnesses on the scene, and attempt to obtain a statement. A statement should also be obtained from ambulance and emergency room personnel, where applicable.**
 - c.) **The Town Marshal shall be notified immediately.**
 - d.) **Where a high speed chase has occurred, note all weather and traffic conditions, route of chase, use of emergency response equipment and other relevant information within the police report.**
- 2. **The Town Marshal may request that an independent review be conducted of all relevant information prior to the booking process or a search, where circumstances indicate that there is a potential for a false arrest or improper search.**
- 3. **On-scene officers shall process the scene according to Department procedures.**
 - a.) **Color photographs or a video shall be taken from several angles of the entire scene.**
 - b.) **Where possible, photographs of all witnesses should be taken on the scene.**
- 4. **Where an arrest has been made, information shall be documented by the Delaware County Sheriff's Department booking officer according to the Sheriff's Department booking procedures.**

C. Post Incident Procedures

- 1. **At the direction and discretion of the Town Marshal a full assessment of the incident will be made. As soon as practical, the Town Marshal or his/her designee shall meet with legal counsel, and the officers involved in the incident to:**
 - a.) **Advise the officers that any internal investigation initiated does not necessarily imply misconduct on their part.**
 - b.) **Advise the officers that they are not required to discuss the incident with reporters, or attorneys not associated with the Department unless pursuant to court order.**
- 2. **An outside law enforcement agency shall have responsibility to assemble the following items for the Town Marshal's litigation files:**
 - a.) **Copies of all relevant Departmental policies pertaining to the incident.**
 - b.) **Copies of any relevant radio communications, computer, or telephone records or tapes.**
 - c.) **Blowups of all relevant photographs pertaining to the incident.**

- d.) **Copies of the disciplinary and training records of all involved personnel.**
- e.) **Where applicable, the criminal docket from any criminal case arising from the incident.**

D. *Responsibilities of Town Marshal's Office*

- 1. **The Town Marshal or his/her designee shall coordinate all departmental responses to pending or potential litigation in conjunction with the Department's legal counsel.**
- 2. **A litigation file shall be developed and maintained containing copies of all legal documents generated in each case, and the responses to such documents. All litigation files shall be kept in a secure fashion.**
- 3. **An accounting process shall be established to ensure that:**
 - a.) **All documents are routed to the appropriate unit for resolution.**
 - b.) **All documents are processed and fulfilled by the due date.**
 - c.) **A record is kept detailing the information released in each case, and purpose for its release.**
- 4. **As advised by legal counsel, updates on current case law and statutes relevant to law enforcement shall be disseminated to the Department employees.**
- 5. **Upon conclusion or settlement of any civil litigation, the Town Marshal's Office shall provide notification of the outcome of the case to those officers, and their supervisors, who were directly involved with the incident forming the basis for the lawsuit.**

E. *Responsibilities of Units*

All units shall comply with discovery requests and subpoenas for internal records as advised by the Department's legal counsel on or before the due date.

F. *Responsibilities of Police Department Employees*

- 1. **Any Police Department employee receiving a subpoena to testify as to actions undertaken in his/her official capacity shall immediately notify the Town Marshal and the Town's legal counsel of such subpoena. A copy of the subpoena shall be forwarded to the Town Marshal's Office.**
- 2. **Any Police Department employee named as a party in a civil action for acts or omissions allegedly arising out of the scope of his/her official duties shall immediately notify the Town Marshal and the Town's legal counsel.**
 - a.) **The employee shall inform the legal counsel whether the employee will engage in a private attorney, or whether representation through the Town's legal counsel is requested.**
 - b.) **Where the employee has requested legal representation through the Town's legal counsel, the employee has a duty to cooperate fully with his/her legal representative.**
 - c.) **The Town legal counsel shall determine whether the employee is eligible for Town representation or will be**

required to seek separate representation, and shall notify the employee of such determination.

3. All Police Department employees shall maintain accurate and detailed reports at all times.
4. No Police Department employee shall make public statements in his/her official capacity as a Police Department employee concerning litigation affecting the Department without the Town Marshal's approval.

G. *Response to Subpoenas and Discovery Requests*

1. All discovery requests or subpoenas for Department records, reports or notes will be compiled as directed by the Department's legal counsel and in accordance with state law.
2. The following information is generally only subject to release to a judge for in-camera inspection to determine discoverability:
 - a.) Personal records.
 - b.) Citizen complaints.
 - c.) Internal investigatory files related to the incident that is currently the subject of criminal or civil litigation.
 - d.) Blanket requests for all past internal investigations into misconduct of the officer currently the target of litigation.
 - e.) Blanket requests for all internal investigations into officer misconduct, or misconduct similar to that being litigated.
3. The following information may or may not be fully discoverable:
 - a.) Records of official review boards.
 - b.) Departmental policies and procedures.
 - c.) Training records.
 - d.) Internal memos that do not fall within the attorney work product privilege.
4. Privileged material generally not subject to discovery:
 - a.) Names of confidential informants, citizens who wish to remain anonymous.
 - b.) Records of ongoing internal investigations which would be jeopardized by disclosure.
 - c.) Investigative files relating to ongoing criminal investigations.
 - d.) Communications subject to any legal privilege.

H. *Response to Media*

1. The Town Marshal or his/her designee shall be responsible for coordinating all Department statements pertaining to any incident or litigation involving the Department.
2. No statements regarding any incident or legal case involving the Department shall be given before the Town Marshal has received all relevant facts.
3. A file shall be maintained detailing the media coverage of litigation and incidents involving the Department.
4. The Town Marshal or his/her designee shall work with the Department's legal counsel to present fair and accurate media statements pertaining to testimony, legal issues or other concerns

arising from litigation or any other incident involving the Department.

EXECUTING A SEARCH WARRANT

I. PURPOSE

The purpose of this policy is to provide officers with guidelines for the execution of a search warrant.

II. POLICY

It is the policy of this Police Department to;

- (1) provide techniques to accomplish a thorough and legal search
- (2) observe the constitutional rights of the person(s) the warrant is being served upon
- (3) minimize the level of intrusion experienced by those who are having their premises searched
- (4) provide for the highest degree of safety for all persons concerned
- (5) establish a record of the entire execution process.

III. DEFINITIONS

- A. *Search Site*: The premises or person(s) to be searched, as explicitly stated in the search warrant.
- B. *Search personnel*: Police officers and support personnel taking part in the execution of a search warrant.
- C. *Evidence Collector*: Member of the search team responsible for the possession, packaging, sealing and marking of all items seized.
- D. *Supervising Officer*: Search team member most knowledgeable about the case and/or responsible for the investigation.

IV. PROCEDURES

- A. *Uniform and Equipment Requirements*
 1. The search team shall try to include at least one uniformed officer. All non-uniformed officers shall be clearly identified as police officers by wearing a distinctive arm band, jacket or some other indicator of office.
- B. *Time Limitations on Search Warrant Execution*
 1. A search warrant shall be executed as soon as practicable within the

conditions stated in state law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:

- a.) The need to have many searches occur at the same time, which requires coordination and mobilization of Police Department resources.
- b.) The items to be seized have not arrived at the search site.
- c.) The probability that a substantial resistance will be encountered.
- d.) A particular person(s) is absent from the search site and the supervisory officer feels that the search would best be conducted if that person were present.
- e.) The need to protect an informant's identity.

C. *Preparation for Execution of Warrant*

1. Prior to entering the premises, the supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.
2. The supervisory officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
3. The supervisory officer shall ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs of the entire search site from start to finish.

D. *Entry Procedures*

1. The approach to the scene maybe executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.
2. The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.
3. The search personnel shall position themselves in the following manner.
 - a.) Exits from the premises shall be covered.
 - b.) Uniformed officers shall be the most visible members of the search team, and shall conduct entry if possible.
4. **Notification**

An Officer who is on scene, shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.

E. *On Premises Activities*

- 1. The supervisory officer shall ensure that a member of the search team conducts a security sweep of the search site.**
- 2. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.**
- 3. One person shall be designated as responsible for collecting, preserving and documenting all items seized until possession is transferred to the property room or property room officer.**
- 4. If damage occurs during entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, effort will be made to secure the residence or to notify someone who can secure it.**
- 5. If damage occurs, a special report shall be prepared on the actions that caused the damage and a detailed description of the nature and extent of the damage.**

VEHICULAR PURSUIT

I. PURPOSE

The purpose of this policy is to state the guidelines to be followed during vehicular pursuit.

II. POLICY

The officer's primary responsibilities in a pursuit are the safety of the public and the safe operation of the Officers vehicle.

The officer initiating the pursuit will notify the dispatcher of the pursuit, direction of travel, description of the pursued vehicle and location.

The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. The law does not prevent the officer from using emergency speeds while engaged in pursuit; it does hold them criminally and civilly responsible. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of the citizens. Such considerations include:

- 1) Does the seriousness of the crime warrant a chase at unsafe speed?
- 2) What is the possibility of apprehension?
- 3) Will the pursuit take place on residential streets, school zone, a business district or highway?
- 4) Street and traffic conditions.
- 5) The weather conditions.
- 6) Road conditions and lighting (visibility).
- 7) Balancing the pursuit's danger to the public against allowing suspect to escape.

Rules of Pursuits

1. Officers shall not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Pursuits shall be limited to three police vehicles; a primary, a secondary, and a back up. Other vehicles may assist in the area of traffic control or clearing intersections.
3. Officers will not fire their weapons from a moving vehicle.
4. Officers will not pursue through school zones, at times before and after school while traffic is entering or exiting the grounds, during the beginning or conclusion of the school day.
5. Whenever the pursuit extends off roadway, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to their safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, the officer must discontinue the pursuit.
6. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his/her location, and continues efforts to apprehend the suspect.
7. A supervisor may direct that the pursuit be ended. If the pursuing officer receives such an order to stop the pursuit, they shall do so immediately and acknowledge the order.
8. The pursuing officer(s) must end the pursuit if at any time during the course of the pursuit they lose extended sight of the fleeing vehicle.

9. Any form of road block is prohibited.

10. Officers will not pursue if the officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony.

11. All officers involved in a pursuit will write a supplement explaining their actions during said pursuit.

III. DEFINITION

- A. *Vehicular Pursuit*: An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

IV. PROCEDURES

A. *Initiation of Pursuit*

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
 - a.) The performance capabilities of their emergency vehicle;
 - b.) The condition of the road surface upon which the pursuit is being conducted;
 - c.) The amount of vehicular and pedestrian traffic in the area; and
 - d.) Weather conditions.

B. *Pursuit Officer Responsibilities*

1. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway. The officer shall provide communications personnel with the following information:
 - a.) Unit identification;
 - b.) Location, speed and direction of travel of the fleeing vehicle;
 - c.) Description and license plate number, if known, of the fleeing vehicle;
 - d.) Number of occupants in the fleeing vehicle, and descriptions, where possible; and
 - e.) Reasons supporting the decision to pursue.
2. Failure to provide this information to communications personnel may result in an immediate decision by the ranking officer assigned to monitor the pursuit to order its termination.
3. The primary pursuit unit shall reduce the level of pursuit to that of support or backup unit where:
 - a.) The fleeing vehicle comes under the surveillance of an air unit; or

- b.) Another vehicle has been assigned primary pursuit responsibility.
- 4. Any primary or backup unit sustaining damage to or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications so that another unit may be assigned to the pursuit.

C. *Ranking Officer's Responsibilities During Vehicular Pursuit*

- 1. Upon notification that a vehicular pursuit incident is in progress, the ranking officer shall assume responsibility for the monitoring and control of the pursuit as it progresses.
- 2. The ranking officer shall continuously review the incoming data to determine whether the pursuit should be continued or terminated. The ranking officer shall monitor the pursuit and respond. The supervisor may terminate the pursuit at any time they deem necessary.
- 3. In controlling the pursuit incident, the ranking officer shall be responsible for coordination of the pursuit as follows:
 - a.) Directing pursuit vehicles or support units in or out of the pursuit;
 - b.) Redesignation of primary, support or other backup vehicle responsibilities;
 - c.) Approval or disapproval, and coordination of pursuit tactics; and
 - d.) Approval or disapproval to leave jurisdiction to continue pursuit.
- 4. The ranking officer may approve and assign additional backup vehicles or support units to assist the primary and backup pursuit vehicles based on an analysis of:
 - a.) The nature of the offense for which the pursuit was initiated;
 - b.) The number of suspects and any known propensity for violence;
 - c.) The number of officers in the pursuit vehicles;
 - d.) Any damage or injuries to the assigned primary and backup vehicle or officers;
 - e.) The number of officers necessary to make an arrest at the conclusion of the pursuit; and
 - f.) Any other clear and relevant facts that would warrant the increased hazards caused by numerous pursuit vehicles.

D. *Traffic Regulations During Pursuit*

- 1. Each unit authorized to engage in vehicular pursuit shall be required to activate all emergency vehicle equipment prior to beginning pursuit.
- 2. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for safety of themselves and all other persons and property within the pursuit area.
- 3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when

- driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.
4. Officers in a semi-marked vehicle shall not be the primary pursuit vehicle unless a marked vehicle is not available.

F. *Termination of Pursuit*

The general order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.

The pursuit may be terminated if in the opinion of the pursuing officer or supervisor, the pursuit creates a clear and unreasonable danger to the officers and other motorists or pedestrians that outweighs the need for immediate apprehension.

No Officer can be disciplined for discontinuing a pursuit.

The pursuing officer shall relay this information to communications personnel, along with any further information acquired which may assist in an arrest at a later date.

G. *Inter-jurisdictional Pursuits*

1. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction, or across the state line.
2. Pursuit into a bordering state shall conform with the Department's inter-jurisdictional pursuit agreement and state law.

H. *The officer involved in a pursuit shall prepare a report of the pursuit, and forward it to the Town Marshal.*

DOMESTIC VIOLENCE

I. PURPOSE

The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. It is the intent of this policy to enforce the law while also serving to intervene and prevent future incidents of violence.

II. POLICY

Domestic violence is an ever evolving area of law enforcement. This requires cooperation among several agencies including but not limited to the Prosecutor's Office, Victim Advocate Agency, and Child Protective Services.

Reports, statements, forms and the handling of evidence are assembled using information needed by these agencies.

The Police Department will adhere, to the best of our ability, all procedures, paperwork and policies needed and requested by each agency to help insure the safety of the victim(s) and the potential criminal disposition of each case.

All Officer should refer to IC 35-42-2-1.3 Domestic Battery

ENGAGING VEHICULAR WARNING DEVICES

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of emergency vehicular warning devices.

II. POLICY

It is the purpose of this policy to ensure that all members of this Police Department adhere to statutory restrictions of the use of emergency warning devices and that such devices are employed only in prescribed conditions and circumstances and in ways that will minimize the risk of accidents or injuries to employees or the public.

III. DEFINITIONS

A. *Emergency Vehicle:* An authorized law enforcement vehicle equipped with emergency lights (red/blue/white), siren, and other emergency warning devices required by law and use for emergency response situations.

B. *Emergency Warning Devices:* Devices placed in/on each agency emergency vehicle that emit audible or visible signals in order to warn others that law enforcement services are in the process of being delivered.

IV. PROCEDURES

A. *Assigning/Determining Response Modes to Calls for Assistance.*

1. Officers responding to calls for assistance shall authorize which response will be utilized.
2. Ranking officers are responsible for monitoring response modes for calls for assistance and shall have the authority to upgrade or downgrade assigned response modes.
3. In instances where an officer wishes to initiate the emergency vehicular response mode in response to a sudden occurrence unbeknown to communications personnel or ranking officers or to upgrade a routine response assignment, the responding officer(s) shall inform communications personnel as soon as possible of:
 - a.) The nature of the situation, and
 - b.) The location and destination of the field unit.
4. Officers may activate emergency signal devices when required to assist in handling any perceived emergency situation. The officer shall advise communications personnel of the nature of the emergency.
5. In other than emergency situations, where expediency is required to

effectively eliminate a potential hazard to the public or fellow officers, police officers may activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:

- a.) Using emergency lights as “beacons” to protect disabled motorists; or
 - b.) Using emergency lights when it’s necessary to use agency vehicles as protective barriers.
6. Operators of emergency vehicles shall deactivate emergency devices as soon as possible.

B. *Use of Emergency Warning Devices While in Emergency Response Mode.*

1. During an emergency response, emergency lights, siren and other emergency signal devices shall be activated as required by law.
2. When responding in the emergency mode, the headlights of the emergency vehicle shall be activated to augment the emergency vehicles visibility.
3. During an emergency response, four way flashers shall NOT be used when the emergency is in motion because they may interfere with brake lights and turn signals.
4. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and shall at no time be directed at the windshield or vision of oncoming traffic.
5. When responding in an emergency response mode, emergency signal devices may be deactivated at a distance from the scene (to be determined by the vehicle operator) so as to not alert subjects to law enforcement proximity.
6. When emergency signal devices are deactivated, the operator of the emergency vehicle shall comply with the posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.

EVIDENCE / PROPERTY CONTROL

I. PURPOSE

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody.

II. POLICY

It is the policy of this Police Department to ensure that evidence in its custody can be properly secured and stored, readily retrieved, and that any changes in its custody have been properly and fully documented.

All property which comes into the custody of the Department will be safeguarded until properly disposed. The Department strives to maintain property in the same condition as received, and to preserve the evidentiary integrity of property which has been received for possible court presentation.

Unless property is contraband or must be presented into court, every reasonable effort will be made to ensure its return to its rightful owner. Property which cannot be returned to its owner will be disposed as directed by state statute.

III. DEFINITIONS

- A. *Chain of Evidence:* The continuity of the custody of physical evidence from time of original to final disposal which may be introduced in a judicial proceeding.
- B. *Impounding Officer:* The member of this Police Department who initially receives the evidence and initiates the chain of custody.
- C. *Physical Evidence:* Any substance or material found or recovered in connection with a criminal investigation.
- D. *Evidence Custodian or Property Room Supervisor:* Department member accountable for control and maintenance of all evidence accepted by or stored in the agency's evidence room.
- E. *Evidence Room or Property Room:* Facilities utilized by this Police Department to store evidence.

IV. PROCEDURES

- A. *Processing Evidence*
 - 1. Any member of this Department who has evidence to be placed in the evidence room shall make an inventory of that evidence at the location it was found or recovered. The inventory shall include the

following information for all of the items of evidence:

- a.) **Description of the item (including make, model number, and serial number, if any);**
 - b.) **Source (from whom or location obtained); and**
 - c.) **Name of person primarily responsible for collecting the item or items.**
2. **The impounding officer shall properly handle, mark, and package all evidence and transport all physical evidence to the evidence room, or other authorized secure location as soon as practical.**
 3. **Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with policy set forth by the Property Room Supervisor. Such substances include but are not limited to items which may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, or explosives or highly combustible products. Where appropriate, the detective or evidence custodian will make arrangements and assume responsibility for storage and control of such substances outside of the evidence room.**

B. Impounding Evidence

1. **The evidence custodian shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with policy set by the Property Room Supervisor.**
2. **The evidence custodian shall be responsible for developing and maintaining a master file of all evidence invoices and evidence tags completed.**

C. Storage of Evidence

1. **The evidence custodian shall assign a storage location to each item of evidence and record this information in the evidence log or file.**
2. **Evidence requiring added security, such as money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs may be stored in a separate locked area.**
3. **Perishable items shall be stored in a refrigerator or other suitable container.**

D. Access to the Evidence Room

1. **Only members of this Department authorized by the Town Marshal may enter the evidence room.**

E. Inspections of the Evidence Room

1. **The Town Marshal reserves the right to inspect and inventory the property room at any time.**

F. Recording Transfers of Custody

1. **The evidence custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the**

individual or organization currently maintaining custody of all evidence.

- 2. A written record of all transfers of physical evidence shall be made.**
- 3. Members of this Police Department who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence upon demand.**

G. Disposal of Evidence

The deposition of property seized by law enforcement officers is governed by statute. That will be our disposal policy.

A copy of the latest Prosecutor's Office Policy will be provided in the attachments section of our SOP's.

POST-SHOOTING INCIDENT PROCEDURES

I. PURPOSE

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer-involved shooting incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

II. POLICY

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that officer-involved shootings resulting in death or serious bodily injury to a citizen or fellow officer may precipitate such stress disorders. It is the responsibility of this Police Department to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this Department to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

III. DEFINITIONS

- A. *Post-Traumatic Stress Disorder*: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. *Officer-Involved Shooting Incident*: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

IV. PROCEDURES

A. *Handling of Officers at Scene of Shooting Incident*

1. A ranking officer shall be dispatched to the scene of the incident, and shall assume primary responsibility in caring for involved personnel.
2. The ranking officer shall make appropriate arrangements for all necessary medical treatment. Officers may be required to submit to mandatory drug and alcohol testing.
3. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive friend or officer should remain with the officers, but should be advised not to discuss details of the incident.

4. **The ranking officer should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting.**
5. **Where possible, the ranking officer shall briefly meet with the involved officers.**
 - a.) **No caffeine or other stimulants or depressants should be given to the officers unless administered by medical personnel.**
 - b.) **Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time.**
 - c.) **Any standard investigations that will occur concerning the incident should be discussed with the officers.**
 - d.) **The officers should be advised that they may seek legal counsel.**
 - e.) **The officers should be advised not to discuss the incident with anyone except a personal or Town Attorney.**
6. **The ranking officer shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:**
 - a.) **Take custody of the officer's weapon in a discrete manner; and**
 - b.) **Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.**
7. **Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, a Department official shall personally notify his family, and arrange for their transportation to the hospital.**
8. **At all times when at the scene of an incident, the ranking officer should handle the officers and all involved personnel in a manner that acknowledges the stress caused by such an incident.**

B. *Post-Incident Procedures*

1. **Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.**
2. **All officers directly involved in the shooting incident may be required to contact a Department specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the Department:**
 - a.) **Whether it would be in the officers' best interest to be placed on administrative leave, and for how long (up to 12 months);**
 - b.) **At what point their duty weapons should be returned, in the case that the officers were relieved of them after the incident;**
 - c.) **What will be the best continued course of counseling.**
3. **The Department strongly encourages the families of the involved**

- officers to take advantage of available counseling services.
4. Any Department investigation of the incident shall be conducted as soon and as quickly as practical.
 5. The Department should brief other agency members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.
 6. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated Department spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
 7. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.

C. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each ranking officer is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. The Town Marshal may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officers' job performance.

Temporary Holding Cells

The purpose of this policy is to establish guidelines for the management and administration of this agency's temporary holding cells, including the security, control and care of detainees temporarily held therein.

It is the policy of the Yorktown Police Department to provide secure, temporary holding cells for detainees awaiting interrogation, transfer to another detention facility, or other administrative procedures and to maintain these facilities in a sanitary and safe manner.

Personnel using the temporary holding cells shall adhere to the following procedures and shall be alert to any problems or conditions that may compromise security or safety of employees and detainees.

I. Procedures

A. Inspections

1. Supervisors shall conduct periodic inspections of the holding cells. Inspections shall include, but are not limited to: security, safety, and sanitation.
2. Officers who have used the holding cell will inspect the cell before and after it has been used to insure no foreign objects (objects that are not to be in the cell) have been left behind.

B. Detainee's Condition

- 1. No detainee who has injuries or illnesses that require hospitalization or attention of a health care professional shall be placed in a holding cell.**
- 2. Should an emergency arise while utilizing the temporary holding cell, the Officer should request assistance. Emergencies may consist of, but are not limited to:**
 - a) Detainee exhibits symptoms of illness or distress;**
 - b) Detainee attempts to escape;**
 - c) Detainee is combative**
- 3. Detainees will have access to a toilet, drinking water, and other appropriate needs, if requested.**

C. Use of Temporary Holding Cells

- 1. Detainees must be searched prior to entry into a holding cell. Detainees must remove shoes, belts, necklaces, bracelets, suspenders, hats, hair ties and any other items that could be used to harm themselves or others.**
- 2. Backpacks, purses, cell phones or any other personal items are not to be placed in the holding cell with the detainees.**
- 3. Detainees are prohibited from smoking in the temporary holding cells. All lighters and matches are to be removed when searching the detainee prior to placement in the cell.**
- 4. Detainees will not be permitted to be in a holding cell for more than 3 hours, unless authorized by a supervisor. Authorization must be documented with the reason for the time extension.**
- 5. A visual check of the detainee shall be made at least every fifteen minutes. A welfare check log will be used from first placement and until the detainee is transferred or released. This log will not be part of the case but a copy will be kept on file with the case/incident report.**
- 6. Males and females will be detained separately.**
- 7. Juvenile status offenders are not to be locked in temporary holding cells, only juveniles who have committed a crime. Juveniles, whether status offenders or those who have committed a crime, are not to be left unattended in any room and shall be monitored at all times.**
- 8. All Officers using the temporary holding cells shall be trained in their proper use.**
- 9. Yorktown Police temporary holding cells are available to other agencies, however, those agencies must adhere to YPD's policies and procedures in regards to their use.**

TRANSPORTATION OF PRISONERS

I. PURPOSE

The purpose of this policy is to provide guidelines on the transportation of all persons in custody of a police officer.

II. POLICY

It shall be the policy of the Yorktown Police Department to take the precautions necessary while transporting prisoners to protect the lives and safety of the officers, public and the person in custody.

III. PROCEDURES

A. *Vehicle Inspection*

1. Prior to placing a prisoner in the vehicle for transport, the transporting officer shall inspect the interior for weapons or contraband. The vehicle shall be searched again after the prisoner has been delivered to the detention facility or other destination.

B. *Handcuffing*

1. The officer shall handcuff (double locked) all prisoners with their hands behind their back and palms facing outward.
2. The officer may handcuff the prisoner with his/her hands in front, or utilize other appropriate restraining devices where the prisoner:
 - a.) Is in an obvious state of pregnancy;
 - b.) Has a physical handicap; or
 - c.) Has injuries that could be aggravated by standard handcuffing procedures.
3. Prisoners shall not be handcuffed to any part of the vehicle during transport.
4. Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he/she poses a threat to him/herself or to the public.

C. *Transport*

1. Prior to transport, all prisoners shall be thoroughly searched for any weapons or tools of escape.
 - a.) If practical, the protective search should be conducted by an officer of the same sex as the prisoner; and
 - b.) The transporting officer should search the prisoner, unless a search was conducted in his/her presence.
2. When transporting prisoners, the officer shall provide the

- communication center with the following information when possible:**
- a.) Arrest location and destination of transport; and**
 - b.) Mileage readings before and after transport.**
- 3. The officer should use care when assisting a prisoner into the vehicle for transport.**
- 4. Prisoners shall be transported in the following manner:**
- a.) When the vehicle is not equipped with a security screen and has only one transporting officer, the prisoner shall be placed in the right front seat.**
 - b.) When a prisoner is being transported in a two-officer vehicle without a security screen, the prisoner shall be placed in the right rear seat. The second officer shall sit in the left rear seat behind the driver.**
 - c.) Leg restraints shall be used when an officer believes the prisoner has a potential for violent behavior.**
- 5. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.**
- 6. Prisoners shall not be left unattended during transport. Any escape shall be immediately reported to the communications center.**

TITLE V

JUVENILE PROCEDURES

Section 1. Policy

The Department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The Department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of our arrest powers against juveniles who are charged with status offenses. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. The authority to carry out the provisions of this order derive from the Indiana Juvenile Code IC 31-6-1-1. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral, such as Youth Opportunity Center, Youth Service Bureau, Comprehensive Mental Health, etc.

Section 2. Purpose

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

Section 3. Definitions

- A. **Child, Juvenile:** A person who is less than eighteen (18) years of age.
- B. **Minor:** A person who is under twenty-one (21) years of age.
- C. **Status Offender:** A juvenile who commits an act which is unlawful only if committed by a juvenile, i.e.,
 - 1. A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant);
 - 2. A juvenile who is habitually disobedient to the lawful commands of parents or other responsible persons (incurrible);
 - 3. A juvenile who remains away from or who habitually deserts or abandons the family (runaway).
- D. **Delinquent Acts:** Acts designated as a violation of a law of the State of Indiana or an ordinance of any city, county, town or federal law, but not to include

status offenses.

- E. **Delinquent Child:** A child who has committed a delinquent act or an adult who had committed a delinquent act prior to their eighteenth birthday.
- F. **Probation Officer:** A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert, or petition the court and leave a detention or shelter care order.
- G. **Juvenile Court:** The name by which the Juvenile and Domestic Relations District Court is often called. This court is responsible for the judicial processing of juvenile offenders, and the determination of abuse and neglect cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
 - 1. All juvenile offenses occurring in Delaware County are heard in Juvenile Court (Del. Co. Circuit Court) located at the Youth Opportunity Center (YOC). Officers are required to appear to prosecute their cases.
- H. **Person Acting for a Parent:** A teacher, relative over the age of eighteen, or any adult willing to accept the responsibility for the juvenile.

Section 4. Procedures-General

A. Overview

- 1. All members of the Department shall cooperate with juvenile justice and support activities. Department policies regarding juvenile operations shall be subject to review by any local juvenile justice system personnel for comments and suggestions that may improve these procedures.
- 2. All department personnel must thoroughly understand and practice the provisions of this order.

B. Handling of Juvenile Offenders-General

- 1. A juvenile offender shall be handled with firmness and respect: this sets the tone for the entire processing of the juvenile's case. The contact a juvenile has with the police is their first impression of society's enforcement system. The police officer's proper handling may prevent the recurrence of anti-social behavior. A police officer's warning is often all that is required to keep the juvenile from having to appear in juvenile court. Improper handling often creates the mistaken but lasting impression that all police officers and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority.
- 2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile

justice emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Terms such as “take into custody” and “adjudicated delinquent” substitute for “arrest” and “guilty” to avoid giving the juvenile’s behavior a criminal label. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.

C. Guidelines for Informal or Formal Handling

- 1. The officer may handle a juvenile either informally or formally. Informal handling is managing a situation by releasing the juvenile under warning to a parent or guardian. This requires either the parent picking up the child or the officer taking the child home and informing the parents of the alleged offense. Formal handling occurs when the juvenile is brought before the juvenile court or a probation officer for further processing and deciding the proper disposition.**
- 2. In making the decision to handle either informally or formally, the officer shall consider the following:**
 - a) Seriousness of offenses;**
 - b) Prior record of child;**
 - c) Age of youth;**
 - d) Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated);**
 - e) Degree of wrongful intent, violence, premeditation, knowledge of violation;**
 - f) Likelihood that the child or parent can be successfully referred to a helping agency.**

D. Broadly speaking, two alternatives exist for handling juveniles:

- 1. Informal handling:**
 - a) Informal handling includes the officer’s use of the following measures.**
 - (1) Warning and releasing to a parent or guardian.**
 - (2) Requiring the parents to pick up the juvenile.**
 - (3) Taking the youth home and informing the parents of the reasons for them being picked up.**

- (4) Referring the family to a community social service agency, such a**
- (5) YOC, YSB, or CMHS.**
- (6) When handling the juvenile informally, the police officer must ensure that the parents are notified.**

b) Notes on informal handling:

- (1) When handling informally, the officer may complete a juvenile referral. This would be determined by the general guidelines set forth in; Guidelines for Informal or Formal Handling.**
- (2) A juvenile's right of privacy must be respected. Guidelines for discussions of this type of case should be strictly observed and information gained should be provided to others only on a "need to know" basis.**
- (3) When the police officer encounters a victim/complainant who demands to bring a child before the juvenile court, and the officer wishes the matter handled informally, the officer shall contact the probation officer for assistance.**
- (4) Even when they are being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation. In addition they have the right to a meaningful consultation with a parent or guardian before being questioned.**
- (5) Even if officers handle a case informally, they may still follow-up the case at a later time or, at any time, refer the juvenile and their parents to an appropriate social service agency.**

c) Sample offenses for informal handling:

- (1) Generally, first instances of the following types of offenses shall be handled informally; however, the list is not complete and officer's good judgement is important.**
 - (a) Runaways**
 - (b) Annoying telephone calls**
 - (c) Cursing and abuse**
 - (d) Drunkenness**
 - (e) Creating a nuisance**

(f) Disorderly conduct

(g) Curfew violation and other status offenses (more specific discussion of status offenses follows).

d) Philosophy of informal handling:

(1) When handling a case informally, the officer shall keep in mind that the objective of the juvenile justice system is to rehabilitate rather than punish. Officers shall decide whether formal or informal handling is in order, then apply the appropriate guidelines of this order.

2. Formal Handling

a) Formal handling occurs when the juvenile is taken into custody and referred to probation for a hearing.

b) Generally, the following situations require formal handling of the juvenile.

(1) Delinquent acts that if committed by an adult would be felonies.

(2) Delinquent acts involving weapons.

(3) Delinquent acts involving aggravated assaults and batteries.

(4) Delinquent acts committed by juveniles under probation or parole or with a case pending.

(5) Delinquent acts that are repeated.

(6) Delinquent acts that are gang related.

(7) When the police arrive at the scene of domestic violence and discover a child at risk.

E. Taking Juveniles Into Custody

1. No juvenile may be taken into immediate custody except in accordance with the Indiana Juvenile Code:

a) With a legal detention order, or

b) When the child is alleged to be in need of services, and

(1) There is clear and substantial danger to child's life or health; or

- (2) Custody is necessary to insure child's appearance before court; or
- c) When, in the presence of the arresting officer, a child commits a crime and the officer believes custody necessary for protection of public interest; or
- d) The officer has probable cause to believe the child has committed an offense which if done by an adult could be a felony; or
- e) The officer has probable cause to believe the child is an escapee from the Department of Corrections, jail, detention home, court-placed residential family, or residential treatment facility; or
- f) The officer has probable cause to believe the child has either run away from home or is without adult supervision at night and in circumstances the officer reasonably concludes that a clear and substantial danger exists to the child's welfare.

F. Guidelines for Taking Juveniles Into Custody

1. Do not take custody of a juvenile or assume an overly authoritative position when the purpose can be accomplished by asking appropriate, permissible questions at the location of contact.
2. When stopped on the street, detain juveniles for the briefest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling shall be made in reasonable time.
3. If it is necessary to take the juvenile into custody, do so with the least possible embarrassment to the juvenile and their family. For example, when picking up a juvenile at school, work through the principal's office. Have the juvenile brought there instead of going to the classroom. If they work, try to arrange to pick them up before or after working hours.
4. A juvenile taken into custody shall be transported to the Yorktown Police Department to complete the investigation.
5. Every effort shall be made to notify the parents or guardians in every case that a juvenile is taken into custody, to inform them of the circumstances and what actions will be or need to be taken. This must be documented in the officer's report of how and when the parents were or were not notified.

G. Transportation of Juveniles

1. Juveniles shall normally be transported by uniform patrol personnel. No juvenile under the age of eighteen (18) shall be transported in the same vehicle with adults suspected of or charged with criminal acts.

H. Legal Aspects of Confinement of Juveniles

1. **IC 31-6-1-21.3 of the Indiana Juvenile Code puts certain restrictions on the place of confinement. No person known or alleged to be under the age of 18 shall be confined in any jail or other facility with adults.**
2. **Under IC 31-6-4-4 of the Juvenile Code, a law enforcement officer may place a child in detention if they reasonably believe that the child is a delinquent child and that:**
 - a) **The child is unlikely to appear before the juvenile court for subsequent proceedings;**
 - b) **The child has committed an act that would be murder or a class A or class B felony if committed by an adult;**
 - c) **Detention is essential to protect the child or the community;**
 - d) **The parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the child; or**
 - e) **The child has a reasonable basis for requesting that they not be released.**

(1) If a child is detained for a reason specified in clause (d) or (e), they must be detained under IC 31-6-4-6.5(a) Child in need of services.

I. Questioning Juveniles

1. **If the juvenile is a witness the officers shall contact the parents, guardians, or relatives of the juvenile before questioning. The parents will be given an opportunity to understand what the questioning will cover and to be present during questioning. Do to the situation or the nature of the crime the officer may go ahead and question anyway, but they must ensure that all rights of the juvenile are protected.**
2. **When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed.**
3. **Juvenile suspects are entitled to the full Miranda warnings, and these rights must be explained in the presence of a parent or guardian with the additional right to a meaningful consultation with the child.**
4. **When questioning a juvenile, officers shall not prolong the interview beyond what is needed in order to complete their investigation.**
5. **Officers are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.**

J. Fingerprints and Photographs of Children

1. The Indiana Code section 31-6-8-1.5 provides that fingerprints and photographs may be taken and filed under the following circumstances:
 - a) A law enforcement agency may take and file the fingerprints or photographs of a child if:
 - (1) The child is taken into custody for an act that would be a felony if committed by an adult; and
 - (2) The child was over fourteen (14) years of age when the act was allegedly committed.

K. Confidentiality of Records/Release of Information

1. Indiana Juvenile Code 31-6-8-1.2 requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person.
2. Officers may release, upon request to one another and to other local, state, or federal law enforcement officers, current information on juvenile arrests limited to name, address, physical description, date of arrest, and charge. Such information may only be used for current investigations.

Section 5. Procedures-Specific Responsibilities

A. Specific Responsibilities of Departmental Personnel

1. The officer shall:
 - a) Notify the juvenile's parent or person acting for a parent of the specific acts which brings the juvenile to the attention of the police; and
 - b) Contact the probation officer when appropriate.
 - c) Complete all required paperwork with comprehensive information on the child, parents, complainant, and witnesses.
2. The supervisor shall:
 - a) Review and approve all paperwork by the arresting officer.

B. Child Protection

1. When probable cause exists that a juvenile is without adult supervision at such hours of the night and under circumstances that the officer concludes that a clear and substantial danger to the juvenile's welfare exists, the officer shall:
 - a) Take the child into immediate custody; and

- b) **Notify the Child Protection case worker, who will decide placement of the child; and**
- c) **The officer shall complete an offense/incident report on the matter, and a Child Protection #310 report.**

Section 6. Criminal Offenses/Delinquent Acts

A. Release or Detention of Juveniles Charged with Delinquent Acts

- 1. **Officers shall whenever possible release a juvenile to a parent or person acting for a parent, who,**
 - a) **Is available and willing to provide supervision and care; and**
 - b) **Promises to bring the juvenile before the court when requested.**
- 2. **However, the arresting officer shall contact Juvenile Probation to detain a juvenile whenever:**
 - a) **The child is alleged to have committed an act which would be a felony or Class A misdemeanor if committed by an adult and at least one of the following conditions are met:**
 - (1) **The release of the child constitutes an unreasonable danger to the person or property of others; or**
 - (2) **The release of the child would present a clear and substantial threat of serious harm to such child's life or health; or**
 - (3) **The child has threatened to abscond from the court's jurisdiction during the proceedings or has a record of willful failure to appear at a court hearing within the immediate preceding twelve months; or**
 - (4) **The child has fled from a detention home or facility operated by the Department of Corrections or court-ordered placement; or**
 - (5) **The child is a fugitive from another state where there is an outstanding detention order or warrant; or**
 - (6) **The child has failed to appear for a court hearing on a delinquent act.**
 - b) **The officer will inform the probation officer of arrests in cases of all felonies and Class A misdemeanors and whether a parent or custodian of the juvenile has been notified of the arrest.**

B. Service of Warrants, Detention Orders, or Temporary Detention Orders

- 1. **Warrants/detention orders/temporary detention orders shall be served on**

juveniles in the same manner as adults except that:

- a) Officers who arrest juveniles at the request of the court on a detention order shall advise the probation officer of the arrest;**
- b) A parent or other person acting with parental authority will be given notice by the arresting officer of the action taken and the reason for taking the juvenile into custody;**
- c) The officer will inform the probation officer whether the parent or guardian was notified of the juvenile's arrest;**
- d) The officer shall complete a juvenile referral;**
- e) Officers shall file the original copy of the executed detention order with the clerk of the Juvenile Court or Juvenile Probation Office on the same day it is executed. Officers shall see that the detainee is served with a copy of the detention order.**
 - (1) When Juvenile Probation is not open, the officer shall see that all paperwork is available to probation on the next business day.**

C. Handling of Escapees

1. Immediate Custody of Escapees

- a) Juveniles who are escapees from jail, a detention home, or other institution in which they were placed by order of juvenile court, Child Protection Services, or other licensed child welfare agency may be taken into immediate custody when:**
 - (1) There is a detention order or warrant known to be on file in this or another jurisdiction; or**
 - (2) An officer has probable cause to believe that a juvenile has escaped or run away from jail; detention home; residential child care facility or home in which they were placed by the court, the Department of Social Services, or a licensed child welfare agency.**

2. Return or Placement of Escapees

- a) Whether juvenile court is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.**
- b) When court is open or closed and the juvenile is not released to the facility from which the juvenile escaped or fled, the officer shall contact the probation officer of the court who will determine where the juvenile will be placed.**

3. Reporting Requirements

- a) **The officer shall complete an Indiana Missing Children's Clearing House report with applicable supplements.**
- b) **When a locally placed juvenile runs away from an unsecured group home, no matter where that home is located, the officer shall:**
 - (1) **Complete an Indiana Missing Children Information Clearinghouse Report. The adult reporting the juvenile missing will sign the report.**
- c) **When an out-of-town-placed juvenile has either escaped from the detention home or run away from a local group home, the officer shall:**
 - (1) **Notify the agency reporting the missing juvenile that made the initial runaway report, fax, or send a copy to police communications, obtain an IDACS number, and FAX or send a copy to the Status Crimes office; and**
 - (2) **See that communications puts out a BOL (be on the lookout) for the child.**
- d) **When an escaped juvenile or one that has run away from a group home is apprehended, the officer shall:**
 - (1) **If a locally placed juvenile, complete a juvenile referral form and make a copy for probation.**
 - (2) **If an out-of-town juvenile from an out-of-town facility, complete a juvenile referral marked OOT (out of town) and forward a copy to the out-of-town jurisdiction or facility.**
 - (3) **If an out-of-town-placed juvenile escaped or ran away from a local facility, make a juvenile referral and forward to probation.**
- e) **Officers will initiate a search and broadcast a lookout for any juvenile reported missing or escaped from a local facility.**

D. Interviewing of Detained Juveniles

- 1. **Officers wishing to interview or question juveniles held in detention must:**
 - a) **Inform the juvenile's parent or guardian and the attorney, if any, that an interview will be requested; and**
 - b) **Request permission of the juvenile court to conduct the interview; and**
 - c) **Arrange the interview, if approved, consistent with detention home rules**

and regulations; and

- d) Provide a copy of the court's approval to the detention home, if requested; and**
- e) Before the interview, inform the juvenile of their legal rights.**
- f) NOTE: JUVENILES BEING INTERVIEWED AS A WITNESS OR VICTIM, MAY GIVE VOLUNTARY STATEMENTS AND BE INTERVIEWED AS ANY OTHER WITNESS. HOWEVER, AN ATTEMPT SHALL BE MADE TO CONTACT THE JUVENILE WITNESS'S PARENT OR GUARDIAN.**

TITLE VI

ATTACHMENTS

- 1. Improving ECW Tactics and Policies**
- 2. Delaware County Prosecutor's Office
Disposition of property seized in criminal
investigations**

TITLE VI

GLOSSARY

ABSENCE WITH LEAVE

A period of time which an officer is excused from active duty as authorized by the Town Marshal with pay.

ACTING

Servicing temporarily in a position to which the member is not ordinarily assigned, Usually in a position of higher rank. All the authority, responsibility and duties of the officer in the higher position devolve upon the acting member.

ANNUAL LEAVE

The vacation granted to all members of the Police Department.

APPOINTMENT

The designation of a person, by the appointing authority, to any position within the Police Department.

COUNCIL

Shall refer to the Town Council of the Town of Yorktown, Indiana.

CHAIN OF COMMAND

The unbroken line of authority extending from the Town Marshal through a single subordinate at each level of command down to the level of execution.

COMMAND DIRECTIVE

A written order issued by a commanding officer applicable only to those officers under his/her command.

COMMANDING OFFICER

A generic term applied to officers who have supervisory responsibilities. During the absence of the commanding officer, the officer designated to relieve him/her is in command and during that time is the commanding officer.

COUNTY

Where the word "County" appears, it shall refer to the land territory within the boundaries of Delaware County, Indiana.

DAYS OFF

Every member of the Police Department shall be excused from duty on designated days of each week. The time and manner of excusing members shall be determined by the Town Marshal.

DEPARTMENT

Where the word “Department” appears, it shall refer to the Yorktown Police Department.

DISCHARGE (Dismissal)

The act of terminating the service of a member of the Department.

FORCE

All members of the Department who have police powers.

GENERAL ORDER

A permanent order issued by the Town Marshal not relating to a specific circumstance or situation. General Orders relate to changes in organization, promotions, uniform regulations, reporting, regulations and related matters.

IMMEDIATELY

At once. Without delay. A specific time frame assigned, due to the circumstances which have arisen, as instructed by the Chief, Sargent, or OIC.

INCOMPETENCE

Incapable of satisfactorily performing the essential duties of a police officer or of the position held in the Department.

INSUBORDINATION

The willful disobedience of any order lawfully issued by a superior officer, or any disrespectful, mutinous, insolent, or abusive language or behavior toward a superior officer.

INTER-DEPARTMENTAL MEMORANDUMS/BULLETINS

Issued by or through the Town Marshal to provide officers general information relating to their duties, including explanations of procedure or circumstances.

LEAVE OF ABSENCE

An extended period during which an officer is excused from active duty as authorized by the Town Marshal.

LENGTH OF SERVICE

The period from the date on which the oath of office was administered to the present.

NEGLECT OF DUTY

Failure to give satisfactory attention in the performance of duty.

OBJECTIVE

An objective is a desired end for which effort is expended, and which, if attained, fulfills the purposes of the Department. Within each objective, there may be a number of ancillary objectives, each of which, if attained, contributes to the accomplishment of the police mission.

OFF DUTY

The state of a member on his/her day off or when on annual leave when he/she is free of the responsibility of performing his/her usual routine duties.

OFFICER

Where the word “officer” appears, it shall refer to any sworn member of the Yorktown Police Department.

ON DUTY

Shall refer to that period of time when the officer is actively engaged in the performance of police duties, either on his/her regular tour of duty or when on duty by reason of an emergency or special assignment.

ORDER

Shall refer to a written or oral command or directive given by one in authority and directed to a subordinate.

POLICY

Will consist of principles and values which guide the performance or the Department’s stated operations and activities.

PROCEDURE

A procedure is a method of performing an operation or manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.

PROMOTION

A change in the employment status of a member, to a position of greater responsibility of higher classification.

RANK

Each class of members of the force is a rank. The titles of the ranks are:

- A. Town Marshal
- B. Sergeant
- C. Patrol Officer

RANKING OFFICER

The officer having the highest rank. When two or more officers are on duty together, the officer of the highest rank is in command and shall be held responsible for the operation. In the event two officers are of the same rank, the appropriate superior officer will designate the officer which is to take command. In the event that a superior officer is not available to designate command, the officer having the most seniority is in command. For a special detail and for a specific period, an officer may be designated by the commanding officer to take command without regard to rank.

REPORT

A written communication relating to police matters.

ROUTE

A length of street, or streets, designated for patrol purposes. A route is used for assignment of traffic and some foot patrol officers.

RULE (Regulation)

An established directive form which no deviation will be permitted. This will govern the operations of all sworn police officers of the Yorktown Police Department.

SHIFT

The period of day during which a detail is on duty. The **FIRST** is referred to as the day shift, the **SECOND** as the afternoon shift, and the **THIRD** as the midnight shift. A **SPLIT** shift is from 6:00 PM – 2:00 AM. The precise hours of work for each shift are established by the Town Marshal.

SICK LEAVE

Shall be that period of time between the time and date that an officer notified the Yorktown Police Department of his/her illness or injury and such time as that officer reports, in person, to the Department that the officer wishes to terminate his/her sick leave.

SPECIAL DUTY

Police service which requires that the member be excused from the performance of his/her regular duties.

SPECIAL ORDER

An order issued by the Town Marshal to cover some specific circumstances or situation not permanent or continuing in nature. Special Orders are issued in connection with assignments and special details intended to meet a temporary or changing situation.

SUPERIOR OFFICER

A general term applied to officers who have supervisory responsibilities either temporarily or permanently.

SUSPENSION

The act of temporarily denying a member of the force the privilege of performing his/her duties in consequence of dereliction or violation of Departmental regulations. A member of the Department while on suspension, although relieved of all police duties, is still considered a member of the Department and is required to conduct himself/herself in such a manner as not to cause further embarrassment to the Department.

THROUGH OFFICIAL CHANNELS

Moving through the hands of the superior officers and following the prescribed chain of command.

TOUR OF DUTY

The shift during which an individual member is on duty.

TOWN

Where the word “Town” appears, it shall refer to the land territory within the boundaries of the Town of Yorktown, Delaware County, Indiana.

TOWN MARSHAL

The executive head of the Police Department.